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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: VINCENT HALEY

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15 Tuesday, April 12, 2022

16

17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:02

21 a.m.

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2 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE

5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7 [REDACTED] SENIOR ADMINISTRATIVE ASSISTANT

8 [REDACTED], INVESTIGATOR

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED], STAFF ASSOCIATE

11 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

12 [REDACTED] PROFESSIONAL STAFF MEMBER

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14 [REDACTED], INVESTIGATIVE COUNSEL

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16

17 For the WITNESS:

18

19 JOHN A. BURLINGAME, ESQ.

20 J. RANDOLPH EVANS, ESQ.

21 DANIEL L. DELNERO, ESQ.

22 Squire Patton Boggs

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24 Washington, D.C. 20037

1

2 [REDACTED] Good morning.

3 This is a deposition of Vincent Haley, conducted by the House Select Committee to
4 Investigate the January 6th Attack on the United States Capitol pursuant to House
5 Resolution 503.

6 Mr. Haley, please state your full name and spell your last name for the record.

7 The Witness. My full name is Vincent Martin Haley. Last name is spelled
8 H-a-l-e-y.

9 [REDACTED] Thank you. And would you please raise your right hand to be sworn
10 by the court reporter?

11 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
12 that the testimony you are about to give will be the truth, the whole truth, and nothing
13 but the truth?

14 The Witness. I do.

15 [REDACTED] Thank you.

16 This will be a staff-led deposition, and members of course may choose to also ask
17 questions, although I do not see any on the Webex right now.

18 My name is [REDACTED] I'm an investigative counsel with the select committee.
19 In the room with me today is [REDACTED], also an investigative counsel with the select
20 committee. On the Webex, we have chief investigative counsel [REDACTED]
21 investigator [REDACTED] and investigator [REDACTED] as well.

22 For this deposition, we will follow the House deposition rules that we have
23 provided to your counsel previously. Under the House deposition rules, you are
24 permitted to have an attorney present.

25 Mr. Haley, at this time, I'm going to ask your counsel to please state his name for

1 the record or -- his name and the others in the room.

2 Mr. Burlingame. Sure. Thanks, James.

3 John Burlingame, counsel for Mr. Haley.

4 With me in the room but not appearing on video are Randy Evans and Daniel
5 Delnero, both with Squire Patton Boggs, also counsel for Mr. Haley.

6 [REDACTED] Thank you.

7 [REDACTED] Would you mind just spelling those names, John?

8 Mr. Burlingame. Sure. It's actually J, period, Randolph. He goes by Randy
9 Evans, E-v-a-n-s. Daniel, D-a-n-i-e-l, Delnero, D-e-l-n-e-r-o.

10 [REDACTED] Thank you.

11 Mr. Burlingame. And before we get started in earnest with your substantive
12 questions, James, let me just state at the outset that, of course, Mr. Haley is appearing
13 pursuant to subpoena. You know, he is not here to waive privileges that others may
14 assert, including executive privilege. We don't intend on invoking any privileges, but his
15 appearance and his testimony is not intended to waive any other privileges or claims that
16 other witnesses may try to invoke.

17 [REDACTED] Understood.

18 Under the House deposition rules, neither committee members nor staff may
19 discuss the substance of testimony that you provide today unless the committee
20 approves release. You and Mr. Burlingame will have an opportunity to review the
21 transcript.

22 And, before we begin, I'd like to describe a few ground rules.

23 There's an official reporter transcribing the record of this deposition. The
24 reporter also is joining us by Webex. And because of, you know, the difficulties with
25 technology, just please make sure to wait until I've completed my question before you

1 give your answer, Mr. Haley. And I will do the same for you; I'll try not to ask a question
2 while you're still giving an answer.

3 Moreover, the reporter cannot record nonverbal responses, such as shaking your
4 head, so it is important that you answer each question with an audible, verbal response.
5 And if I see you shaking your head "no" or "yes," I'll note it for the record.

6 For the benefit of the reporter and the record, there may be times where I spell a
7 name or a word that we are using or I ask that you do the same.

8 We ask that you provide complete answers based on your best recollection. If
9 the question is not clear, which is always a possibility, please just ask me for clarification
10 or ask whoever's asking the question for clarification. And if you don't know the
11 answer, please simply say so.

12 And, logistically, if you need a break for comfort or to speak with Mr. Burlingame
13 or your other attorneys, just let us know, and we're happy to accommodate and take a
14 quick recess or a longer recess, whatever is needed.

15 And, throughout the deposition, we will be directing your attention to exhibits,
16 which will be displayed on the screen. And, when we refer to a document, you can take
17 your time to familiarize yourself with it before we discuss it.

18 And [REDACTED] and I will be running those exhibits today, so please forgive any
19 short delays with technological problems.

20 So we're going to pull up exhibit 1 now.

21 Mr. Burlingame. And I have -- James, just so you're aware, I've got some of them
22 available in hard copy, and I'll just put them in front of the witness, if that's okay with you.

23 [REDACTED] That's fine by me too.

24 So, Mr. Haley, do you recognize exhibit 1 as the subpoena and accompanying
25 documents that the select committee issued to you?

1 The Witness. Yes, I do recognize the subpoena, and --

2 [REDACTED] Great.

3 The Witness. -- my counsel, Squire, sent to me -- yes.

4 [REDACTED] Okay. Thank you.

5 So, under this subpoena, you may only refuse to answer a question to preserve a
6 privilege recognized by the select committee. And if you refuse to answer a question
7 based on a privilege, staff may either proceed with the deposition or seek a ruling from
8 the chairman on the objection. If the chairman overrules such an objection, you are
9 required to answer the question.

10 And, as Mr. Burlingame just noted, you are not waiving anyone else's privilege.
11 And I understand that you sought the advice of the White House Counsel's Office on this
12 matter of executive privilege.

13 So, if we could pull up exhibit 2, I guess I could ask Mr. Burlingame, do you
14 recognize this letter as one that you received from the White House Counsel's Office?

15 Mr. Burlingame. It is. And, just for clarification, I'm the one that directly asked
16 White House Counsel's Office for the letter. It was not Mr. Haley. But I did that, of
17 course, in my capacity as Mr. Haley's attorney.

18 [REDACTED] Thank you for the clarification.

19 So, in this letter, as we can see, the White House has decided not to assert
20 executive privilege as to Mr. Haley's testimony or any documents that he may possess.

21 And Mr. Burlingame, aside from the little discussion we had about waiving other
22 people's privilege, do you have any objections that you would like to place on the record
23 right now?

24 Mr. Burlingame. Not at this time. Thank you.

25 [REDACTED] I appreciate it. Thank you.

1 And, Mr. Haley, I also want to remind you before we begin, as we do with all
2 witnesses, that it is unlawful to deliberately provide false information to Congress.
3 Since this deposition is under oath, providing false information could result in criminal
4 penalties, including for perjury and/or providing false statements.

5 Do you understand?

6 The Witness. Yes, I do understand.

7 Great. Thank you so much.

8 EXAMINATION

9 BY

10 Q And we'll start off with our substantive questions just with some
11 background.

12 How old are you, Mr. Haley?

13 A I'm 55 years old.

14 Q And where do you currently live?

15 A I live in Falls Church, Virginia.

16 Q Great. And can you describe your educational background for us?

17 A Sure. Graduated from the College of William & Mary in 1988. I went on
18 to University Virginia Law School, graduated in '92. I earned two degrees at University
19 of Virginia. I have a law degree and a master's in foreign affairs. And then I did a year
20 in Bruges, Belgium, and obtained an LLM in European Union law, if that's the kind of thing
21 you're asking.

22 Q Yeah. Sounds like you like school as much as I do.

23 A Yeah.

24 Q So did you keep up with your legal training?

25 A You know, I went on to practice law for, oh, 5 or 6 years, and then, in

1 beginning of 2002, 2001-2002, I came back to Washington, D.C. I'd spent time in
2 New York working and also in San Francisco and came back to Washington, D.C., in the
3 2002 frame and worked here in Washington.

4 Q Okay. And was that work related to speechwriting from there on out?

5 A No. That was -- I worked for the National Republican Senatorial Committee
6 for a year in the 2002 election cycle. And then, after that, I worked for Newt Gingrich
7 from March of 2003. And that was not in the role of a lawyer. Neither situation was.

8 Q Okay. So you transitioned, as the smart ones of us do.

9 [REDACTED] Can I ask, have you maintained your bar license?

10 The Witness. No.

11 [REDACTED] Okay. So you are not -- so the time period that we're going to be
12 covering here, from the November 2020 election through January 6th, you were not
13 practicing as an attorney. Is that right?

14 The Witness. That is correct. I am not practicing as an attorney and have not
15 practiced as an attorney for I think over 20 years.

16

BY [REDACTED]

17 Q Thank you. And what is your current occupation?

18 A I'm a communications -- I mean, I have an independent business in
19 communications.

20 Q Okay.

21 And then, thinking back to the Trump administration, did you serve in the Trump
22 administration?

23 A I did. I did serve in the Trump administration, yes.

24 Q And what was your role there?

25 A So, at the end, my title was deputy assistant to the President for policy,

1 strategy, and speechwriting. And, in that role, I was involved in managing the
2 speechwriting shop.

3 Q And you held that title from starting in November -- at least starting in
4 November 2020, so that was your title during this relevant period?

5 A During this period, yes.

6 Q Great.

7 And when did you start serving in the Trump administration?

8 A From the very first day, so January 23rd, I think it was, the Monday, 2017.

9 Q Okay.

10 And, in your capacity as a speechwriter over the years, who did you report to
11 directly?

12 A Our main report, the person that we interacted with primarily was Stephen
13 Miller.

14 Q Anyone else or just Stephen?

15 A I mean, we interacted, of course, with the staff secretary, but in terms of the
16 content of the speech, direction, strategy -- I mean, it's a larger process. But, yes, in
17 terms of reports, Stephen.

18 Q Understood. And did you supervise anybody else?

19 A Yes. I supervised a number of people in the speechwriting shop. I mean, I
20 was involved in, you know, managing that.

21 Q Right. Were these researchers, fact-checkers, other writers?

22 A So we had a number of writers, speechwriters, who had primary
23 responsibility for speeches that they were assigned, and then, in addition, the researchers
24 in our -- I mean, we were physically contained in a significantly connected office, and so
25 the researchers, the interns, they were all part of that management.

1 Q Understood.

2 Mr. Burlingame. I just want to ask you to be sure to listen to his question and be
3 responsive --

4 The Witness. Okay.

5 Mr. Burlingame. -- to the question being posed. All right?

6 The Witness. Yep.

7 [REDACTED] Thank you.

8 BY [REDACTED]

9 Q Was William Bock someone you supervised?

10 A Yes.

11 Q Okay. And what was his role?

12 A So William first -- well, he was a researcher. And I first met William in, I
13 think it was, the summer of 2017 as an intern. And then he later came to work for us as
14 a researcher.

15 Q And he was a researcher the whole time he was not an intern? He never
16 advanced to speechwriter?

17 A That's correct. Yeah. He never held a title of speechwriter.

18 Q Understood.

19 And I apologize if you heard some sirens or something. I think there's something
20 happening in this building.

21 [REDACTED] Yeah. I'm double-checking on that real quick to make sure that
22 we're okay. Before we get kicked out --

23 Mr. Burlingame. You guys -- and I'm sorry to interrupt you, but you guys -- we
24 lost your video. We can hear you just fine, but you're no longer on the video screen.

25 [REDACTED] Oh, that's interesting.

1 Mr. Burlingame. We see -- what I'm looking at, it just says "Conference Room 2."

2 Okay, there you go. You're back on.

3 [REDACTED] Apologies for that.

4 Mr. Burlingame. No worries.

5 BY [REDACTED]

6 Q So, just in terms of the infrastructure of the speechwriting shop, Mr. Haley,
7 about how many people work within that office that you were supervising?

8 A It differed at different times. Six to eight, I guess, counting/not counting
9 interns.

10 Q And you said that you were in the same connected office. Was that in the
11 Eisenhower Executive Office Building?

12 A Yes.

13 Q What floor of the EEOB?

14 A So the first floor.

15 Q Okay.

16 That was it.

17 BY [REDACTED]

18 Q And did Ross Worthington report to you?

19 A Ross and I sat side-by-side, and we didn't -- I mean, in a sense, we
20 co-managed that shop. There was not a hard and fast reporting line one way or the
21 other. We effectively co-managed and -- yeah.

22 Q Okay. So you wouldn't say that one of you was technically the other's
23 supervisor; it was more of an equal management structure.

24 A Correct.

25 Q Thank you.

1 So, as a speechwriter, what were your day-to-day responsibilities?

2 A So, day to day, I was involved in assigning speeches, so determining what's
3 coming down the pike, what's going to come, what's on the schedule, talking with Ross
4 about who will write which speeches. That's one thing.

5 There's the actual reviewing and talking with writers about the upcoming speech,
6 sharing ideas, direction. You might call that brainstorming.

7 Third role would be looking at drafts, different writers, what they're doing,
8 reviewing that.

9 And a broader role would be just sort of keeping up and reading and being aware
10 of what's going on.

11 Q And how did you -- you said determining what speeches are coming down
12 the lane. How did your office know what speech you had to write?

13 A So we typically -- and it changed over the years. Scheduling would let us
14 know. And usually I think that came through Robert Gabriel, who worked for Stephen.
15 We'd often get a heads-up from Robert, what's coming. And I believe -- yeah. I think
16 he worked with scheduling to get a clear idea of what was happening in the next several
17 weeks.

18 Q Thank you.

19 A I will add that, you know, sometimes we would get heads-up about things
20 further in advance, you know, from other people, not just Robert. But primarily I
21 believe it was Robert.

22 Q Understood. Thank you.

23 And, in terms of who did the first draft, did you always assign it to other writers in
24 the office, or were there times where you and Ross were the first drafters?

25 A There were clearly times when Ross and I were the first drafters.

1 Q Did that depend on the speech? Were the specific kinds of speeches that
2 you took the first draft at?

3 A Yes. The speeches that we took the first draft on were typically the larger
4 speeches -- the, you know, State of the Union, address to the United Nations -- more
5 significant speeches.

6 Q Would election speeches count as the more significant ones?

7 A Yeah, in the -- if you're talking about political speeches prior to election day,
8 yes.

9 Q Okay. What about political speeches after election day?

10 A Yes.

11 Q Thank you.

12 And, in terms of gathering information for the speeches, how did the research
13 process work?

14 A Well -- and are you asking -- I don't want to make an assumption, but I take it
15 you're asking in the post-election time period? Or are you asking generally?

16 Q I'll start more generally, and then we'll talk whether it changed after the
17 post-election period.

18 So let's start with the more general question about the research process.

19 A So we would, depending upon the speech -- and it could vary -- as you can
20 imagine, it could vary depending on the speech -- we would sit down with the researchers
21 and talk about the kinds of information we're looking to find. It may be statistics. It
22 might be economic statistics. It could be human rights reports. It could be personal
23 stories. It could be any number of things related to the content of that speech.

24 And then often the case was the -- again, very much speech-dependent -- the
25 researcher might come back with a research booklet about the things that we've asked.

1 And we had a format for that, in terms of, you know, those kinds of research booklets,
2 but they came back with citations generally. Not always, but mostly, we wanted
3 citations so that we could evaluate -- we could evaluate the research in terms of what we
4 wanted to put in the speech or not.


5 Q So did you and Ross then do sometimes your own independent
6 fact-checking -- or double fact-checking, I guess would be a better term for it?

7 A No, we wouldn't do our -- we would not typically second-guess the research.
8 We would look at it, and -- again, very speech-dependent -- we might look at some of the
9 reports and read into it. We sometimes would -- you know, we would use Google
10 ourselves, you know, episodically for things that we might want to look up and could
11 easily look up.

12 But, in terms of the research, we very early on established a very clear, sort of,
13 culture about research, the importance of research support and the importance of, you
14 know, it being thorough and checked.

15 Q Do you have a sense of what kinds of sources your researchers relied upon?

16 Mr. Burlingame. We're talking just as a general proposition?

17  Yeah, we're still on the general proposition. I'll let you know when
18 we switch.

19 Mr. Burlingame. Thank you.

20 The Witness. Well, speaking -- if I might speak generally, it was clear that, you
21 know, our people in research knew that there's a -- you know, you can't go to Wikipedia,
22 for, you know, an example. You can't cite Wikipedia. If you come back and you cite
23 Wikipedia, that's not a -- that's not a source that's acceptable. I mean, that's very basic.

24 But if you're talking about economic statistics, you know, ideally you want the
25 Bureau of Economic Statistics, or you might want the primary, you know, government

1 source. Sometimes that's not always possible for whatever the speech might be, and,
2 you know, you have some sense of, you know, what is most credible, what is of lesser
3 credibility, and then you make a judgment about that.

4 Mr. Burlingame. [REDACTED] I apologize. Can we take a very, very short break?

5 [REDACTED] Absolutely.

6 Mr. Burlingame. Three minutes? Thank you very much.

7 [REDACTED] Yeah. We'll take a quick recess.

8 Mr. Burlingame. I appreciate it. Thanks. Thank you both.

9 [Recess.]

10 Mr. [REDACTED] We'll go back on the record at 10:27 a.m.

11 BY [REDACTED]

12 Q So, Mr. Haley, you mentioned that the process for research might've
13 changed after the November 2020 election. How did it change?

14 A Well, I didn't -- I didn't say that. The process continued, and we
15 didn't change anything after the 2020 election in terms of the research process.

16 Q So the process was the same after the 2020 election, just to --

17 A Yeah. I'm --

18 Q Yeah.

19 A We continued with the same process for research after the 2020 election.

20 Q Okay.

21 And, in terms of fact-checking, how did that process work?

22 A So our researcher, depending on the speech and the time period, would go
23 through the factual claims in the speech and report back.

24 And, in addition, we had our own researcher and then the staff secretary, which is
25 the -- the staff secretary in the White House would often do its own research as well,

1 support and review.

2 Q And, as a general matter, were there certain sources that would not be
3 acceptable to use as a fact-checking process?

4 A Well, the -- it would be highly dependent on any given speech. As I
5 mentioned, some sources -- I mean, our research people knew what was acceptable and
6 not acceptable, so, for the most part, it was never really a concern.

7 Q Would a tweet by President Trump be something that would serve to
8 validate a factual claim in a speech?

9 A No. We would do our own independent fact-check of anything we put into
10 the speech.

11 Q All right.

12 And, in terms of claims that went into the speech, were all of them verified by
13 fact-checkers?

14 A Talking very generally, in the fact-checking process, every speech would be
15 fact-checked, again, by our research and by staff secretary research support.

16 Q And what happened to a claim if a researcher found that he or she could not
17 verify a fact that was put into a draft speech?

18 Mr. Burlingame. I object to the form.

19 Go ahead and answer.

20 The Witness. Well, if it was -- can you repeat the question?

21

BY

22 Q Sure. So, if there's a draft speech that a fact-checker is doing the
23 fact-checking on and says that he or she cannot verify a certain claim in the draft, what
24 would happen to that claim in the draft, as a general matter?

25 Mr. Burlingame. Same objection. I'm sorry [REDACTED] Same objection.

1 But go ahead.

2 The Witness. Well, we would either not put it in the speech or we would in
3 some way describe the claim as reported or in some fashion qualify it or, you know, not
4 into the speech.

5

BY [REDACTED]

6 Q Understood.

7 Do you know if there were ever times that speeches had claims that were not
8 verified in them?

9 A I don't recall putting any unverified -- well, let me restate that. We would
10 never put into a speech a claim that we didn't think was supported.

11 Q Great. Thank you.

12 And, then, thinking more broadly about reviewing the speech, did Mr. Miller
13 review your draft speeches?

14 A Yes.

15 Q And did he do so in person or by, you know, hard copy?

16 A Stephen would at times review electronically, and sometimes in the course
17 of the 4 years we would review in his office.

18 Q Did he provide ideas for draft speeches before you started working on them?

19 A Yes, at times he would provide ideas before we started working. Yes.

20 Q Okay. And did he only provide feedback to yourself and Ross, or did he
21 ever give feedback to the broader team?

22 A He would at times speak to the other speechwriters on their speeches.

23 Q And was it your understanding that Mr. Miller, when he provided you
24 feedback -- sorry. Let me restate that. When Mr. Miller provided you feedback, did
25 you know if it ever came directly from the President?

1 A I think sometimes we would know that. Sometimes.

2 Q Was it your understanding that Mr. Miller's edits often would be in the voice
3 of the President?

4 Mr. Burlingame. Object to the form.

5 Go ahead and answer.

6 The Witness. I'm sorry. Can you repeat the question?

7

BY

8 Q Yeah, that was a bad question. I apologize.

9 Did Mr. Miller ever claim in his edits to be translating the wishes of the President
10 to you?

11 A Well, you know, the speech is the President's -- it's the President's speech.
12 So, if I understand your question, we're always trying to reflect what the President wants
13 in the speech.

14 Q Okay.

15

BY

16 Q So, when you say that sometimes we would know that the feedback he was
17 providing was coming from the President, how would you know that?

18 A He might at times say the President wants this in the speech, this particular
19 thing.

20 Q And I guess, then, absent that -- I guess we're just trying to get a sense of,
21 from your feel, on a general basis, over the course of several years, were there
22 times -- like, you know, if there's a spectrum between when feedback from Mr. Miller was
23 just feedback from him based on his own experience and expertise working for the
24 President versus there would be times when the feedback was coming from the President
25 through him, if that makes sense, and how you might know the difference between

1 those, and if that even mattered to you, I guess.

2 A Well, I'm sorry I get a little confused on your questions. At times, it was
3 very clear to us -- you know, Stephen might say, you know, the President wants to
4 include, you know, this in the speech.

5 Q Okay.

6 BY 

7 Q Did the President ever provide you directly with feedback on speeches?

8 A Yes, upon occasion.

9 Q Did you meet with the President when he gave you feedback?

10 A Yes, upon occasion.

11 Q And at other times did he, you know, send a draft that was hard copy?

12 A In other situations, the President would make his edits through the staff
13 secretary process, and they would wind up in the, you know, the final draft.

14 Q Did you ever have meetings with the President over the phone about draft
15 speeches?

16 A I don't recall -- if it happened, it maybe happened only once or twice. And I
17 don't know -- I mean, I think I only had -- I think maybe once in the 4 years did I have
18 a -- but I don't know -- I don't know exactly.

19 Q Okay.

20 And fair to say that this review process remained the same before the
21 November 2020 election and afterwards?

22 A Yes, I believe that's fair to say, that the review process as I was describing
23 before election day continued.

24 Q All right.

25 And just a quick question on Mr. Trump. Were there any, like, rules of thumb or

1 standing directions that you understood Mr. Trump wanted incorporated into his
2 speeches as a general matter?

3 A It's hard to -- I mean, the short answer -- and I can think of maybe one
4 example -- is, yes, there were some certain standard things.

5 For example, he liked to recognize people, you know, acknowledge VIPs in the
6 room, including Members of Congress specifically. And we had a process for confirming
7 if the Members of Congress were present, and if they weren't present, they were taken
8 out.

9 So that would be one example where, you know, the clear wishes of a process
10 from the President.

11 Q Were there any rules about types of language that you could use or couldn't
12 use?

13 Mr. Burlingame. Rules from former President Trump?

14

BY [REDACTED]

15 Q Yeah. Same -- sorry -- same question. Just, like, rules of thumb,
16 not -- yeah.

17 A Well, there was never anything written down or formalized in any sense, but
18 you knew that the President -- you know, he didn't need -- if you had to err one side or
19 the other, he wanted facts and argumentation, not rhetoric. So he can -- so that was
20 one thing that, you know, there was an emphasis that, you know, he wanted his
21 speeches, you know, to have data.

22 Q Okay. Thank you very much.

23 And, earlier, you mentioned that there are political speeches and official
24 speeches. Were the processes for review and drafting the same for political and official
25 speeches?

1 A The two processes were slightly different. The White House Counsel
2 advised that, on political speeches, to minimize, you know, writing them on your work
3 computer. And so, you know, we would -- on political speeches, initial drafts would be
4 done on personal laptops, and then, as we got to the speech day, those would then go
5 onto the official system. And so that would be an example of a different process.

6 Q But other than that, mostly the same?

7 A Well, the -- and on political speeches, it was pretty clear, as a rule of thumb,
8 that, you know, you would -- that the political people would only be working on them.
9 The fact-checkers could check the facts, but political people -- only political people
10 worked on the political speeches.

11 Q And that would mean yourself or Ross in your political role versus your
12 official White House role?

13 A Yeah, people who had a commission.

14 Q Understood. Thank you.

15 So would you consider -- just fast-forwarding a second, the speech that President
16 Trump delivered on the Ellipse on January 6th, would you consider that to be a political
17 speech?

18 A You know, at the time, I don't have a recollection of whether that was -- I
19 don't recall anybody specifically saying to us, this is this versus this.

20 The -- you know, I know afterward that the White House -- I forget the name of
21 the White House component, but the one that does the transcriptions sent out a text of
22 that speech, and it was styled "internal transcript." And my recollection is internal
23 transcripts were political speeches.

24 Q And you said no one told you that it was one or the other, to paraphrase
25 you. Was that uncommon, for no one to give a direction about whether a speech would

1 be political or official?

2 A Well, the political speeches, the rally speeches, were very -- you know, we
3 knew that, speeches of speech. And this one, it just -- we just didn't know. We didn't
4 know which one it was. I don't recall a clear direction one way or the other. I do recall
5 that there was a question about it, but -- yeah.

6 Q Do you recall who raised the question?

7 A I think Ross and I did. I think Ross raised the question and was going to try
8 to find out. And I think -- you know, I believe we played it safe, if you will, by doing the
9 initial draft on personal computers.

10 Q And you mentioned that rallies, as a general matter, for you were kind of
11 obviously political. Why wasn't the Ellipse rally one of those same obviously political
12 speeches?

13 A It just wasn't clear. I don't recall, but, you know, it just -- because it wasn't
14 organized by -- at least I don't recall it being organized by the President's campaign. I
15 think it was an outside group that had put it together and was asking the President to
16 speak there.

17 Q So were there ever times that the President spoke in his official capacity at
18 events organized by outside political organizations?

19 A Outside organizations? Yeah, the President has -- if I understand the
20 question correctly -- can you restate the question?

21 Q Yeah. I'll restate the question. Were there times when, in his official
22 capacity, you drafted a speech for the President where he was speaking at an event
23 organized by an outside political organization?

24 A I mean -- and "political," do you mean also, like, advocacy organization? I
25 mean, I don't know the nature of the --

1 Q Yeah, I guess "political" is a little too broad because we'd have to talk about
2 tax qualifications or whatever.

3 A Yeah.

4 Q Why don't we just say "outside organization"?

5 A Well, yes. I mean, he might speak to the Building Trades Union, for
6 example. He might speak to -- you know, I know he spoke to March for Life, and that's
7 a, you know, outside organization advocacy group.

8 So there would be plenty of times where he was invited to speak to, you know,
9 NFIB, I believe, you know, those kind of organizations.

10 Q And those were in his official capacity, those speeches that you drafted?

11 A To my best recollection.

12 Q Okay.

13

BY [REDACTED]

14 Q And maybe to square this off, in your view, to the best you understood it,
15 Mr. Haley, what was the dividing line between something that was an official speech
16 versus a political speech?

17 A It was -- I mean -- I mean, I don't -- my only recollection is I thought it had
18 something to do with how they characterized the payment of it, whether it was paid out
19 of official funds or paid out of other funds. That's my best recollection for how those
20 things were decided.

21 Q Was there a distinction between when the President was appearing as a
22 candidate or advocating for candidates for elective office versus other settings where
23 specific election advocacy wasn't at issue?

24 A I don't recall those kinds of assessments. I don't recall those kinds of -- it
25 was not something that was our responsibility, and I just don't recall or maybe I never

1 knew, exactly, the fine details of how those decisions were made.

2 Q Thank you.

3 [REDACTED] Thank you.

4 BY [REDACTED]

5 Q So we'll move on to election night.

6 Where were you on election night in 2020, Mr. Haley?

7 A So I had my office across the street from the White House. I was there part
8 of the night. Part of the night, I was in the residence itself. There was a reception on
9 the ground floor, and I was there for, you know, a fair bit of time.

10 Q Did you meet with the President that night?

11 A There was a moment -- there was a time late in the evening and when I saw
12 the President up in the quarters.

13 Q Were you there to have a meeting with him, or was this just you ran into
14 him?

15 A I was asked to go up to the quarters to essentially await, you know, further
16 instructions.

17 Q Who instructed you to go up there?

18 A I don't recall exactly. I don't recall who asked me to go up there.

19 Q And what did you end up speaking with President Trump about?

20 A I did not have a direct conversation with President Trump, you know,
21 one-on-one. There were a number of people who were up there.

22 Q So what was this meeting about that you were instructed to go to?

23 A I wouldn't describe it as a meeting, but there were a number of people
24 standing up there in the family quarters. And I had a direction afterward to pull up
25 some election night numbers from earlier in the evening.

1 Q Do you have a sense of approximately what time in the night this is?

2 A I couldn't give you an approximation other than late. It was late. And I
3 think it was into to the next day, but it was late.

4 Q Okay. So either very late November 3rd or early morning November 4th.
5 Did you overhear any of the conversation in the residency while you were up
6 there?

7 A Well, the President -- at one point, in the hallway, there were a number of
8 people standing there, and this is when -- this is when he wanted numbers from earlier in
9 the evening. And then I don't know who it was, but somebody asked me to get those.
10 I think they might've tasked Ross and myself, Ross Worthington. But that was, sort of,
11 our mission. And that's what I remember clearly.

12 Q Do you think Stephen Miller was the one who told you to go get numbers?

13 A I don't recall. I don't recall.

14

BY

15 Q How would you characterize the, sort of, tone or the mood of that meeting?
16 I'm sure, having worked in politics for a while, you've been through a fair number of
17 election return gatherings. So, in your recollection, what was the mood like for this, sort
18 of, informal gathering of folks in the quarters at the residency that night?

19 A I remember it being serious.

20 Q And was this -- do you remember if this was after, sort of, it started to be
21 generally reported that numbers were looking one way or another towards favoring one
22 candidate or another?

23 I mean, I'm just trying to get a sense of where this falls in the night and what the
24 directive to you was, maybe, if you understand what that was pointing towards.

25 A Well, it was late at night, and I think the desire was to compare the numbers

1 earlier in the evening with the numbers then.

2

BY 

3 Q Was anyone talking about the possibility that President Trump had lost the
4 election?

5 A I don't recall anybody talking about that.

6 Q So what was the concern about the numbers?

7 A Well, the concern was that the -- I think the concern was that there was
8 suddenly big numbers coming in that were different than earlier in the evening.

9 Q But if there was no -- as you said, there was no discussion about whether
10 President Trump -- sorry. Let me ask this question then.

11 Was there any discussion about whether President Trump could lose?

12 A I don't remember discussion about that.

13 Q So, then, what was your understanding of why you were being asked to pull
14 these numbers?

15 A I think the -- I mean, all I know is the President wanted to know the shift in
16 numbers from, like, 9:30 or earlier in the evening until that point.

17 Q And you mentioned the mood generally was serious. Do you have a sense
18 of what former President Trump's mood was specifically?

19 A But he set -- he set the serious mode. I mean, I sensed it, that he was
20 serious.

21 Q For you, does serious have any sort of quality of being upset or angry?

22 A No. I mean, serious, I think, describes -- described the situation.

23 Q Okay.

24 Did you hear any other conversations while you were up in the residency, even
25 ones that didn't directly involve President Trump?

1 A Not that I recall. No. I became focused on getting those numbers.

2 Q Did anyone ever relay to you, who was in more of the actual -- we'll just use
3 the word "meeting"; I know it wasn't necessarily a formal meeting, but the -- did anyone
4 who was more directly in communication with President Trump ever relay to you any
5 conversations that were going on that night?

6 Mr. Burlingame. I appreciate your statement, James, but I'm going to object to
7 the form, because the witness has said he wouldn't characterize it as a meeting.

8 [REDACTED] Right. And I tried to --

9 Mr. Burlingame. And I know you qualified your question.

10 [REDACTED] Yeah.

11 BY [REDACTED]

12 Q Did you understand the question, though, Mr. Haley?

13 A You can repeat it, please.

14 Q Okay. Did anyone who was more directly communicating with President
15 Trump in the residency that night ever relay to you anything that they talked about?

16 A Not that I recall.

17 Q Thank you.

18 And, that night, were you involved with drafting any election night speeches?

19 A So, earlier in the day -- so I want to distinguish that night and earlier in the
20 day -- we had prepared very brief speeches. That night, I don't recall -- I don't recall
21 working on any additional remarks. I just don't recall working on any additional remarks
22 later that night.

23 Q So what did you end up doing with the numbers?

24 A I gave them to somebody. I don't know -- it might've been somebody on
25 the campaign, but I don't remember whom I gave the numbers to. And -- yeah, I don't

1 remember who I gave the numbers to.

2 Q Was it common for the campaign to write these kind of speeches? Sorry,
3 election night speeches?

4 A I don't understand the question. Are you --

5 Q Sorry. Let me rephrase. Would it be common for the campaign to have a
6 hand in drafting speeches for President Trump, as a general matter?

7 A No. If it was going to be a prepared text, it would've been common for
8 speechwriting to do that, not the campaign.

9 Q So were you surprised when you just handed off numbers and didn't have a
10 further role in drafting any speeches on election night?

11 A Well, I don't think I recall knowing that there were going to be remarks that
12 night. I didn't know what the plan was. So, you know, I think there was an idea that
13 he might give remarks, but I didn't know -- there was no set plan. And, you
14 know -- yeah. I just didn't know -- there wasn't, I believe, a set plan. But he wanted
15 those numbers.

16 Q I guess we'll back up a little bit then. For the other -- for the speeches that
17 you did draft, those brief speeches that you mentioned, did you work on them
18 throughout the day?

19 A It was in the course of that day. And I don't think we did anything after
20 4:00 or 5:00 on them, I don't believe. I don't have the exact time, but it was -- it was
21 done. I think we submitted them.

22 Q This is very likely an obvious question, but do you know how the President
23 would've chosen between the various drafts that you provided for election night?

24 A I don't know if he saw the various drafts that we provided. I mean, I don't
25 know -- I don't know what he would've done with those drafts. I don't know if they even

1 were presented to them -- presented to him.

2 Q So, after you delivered the numbers, did you do anything else related to
3 speechwriting for President Trump on election night?

4 A Again, I have no recollection of working on any remarks after that point.

5 Q To your knowledge, did Mr. Miller -- Mr. Stephen Miller, that is -- have any
6 role in helping draft those remarks on election night?

7 A You know, I don't know. I don't know.

8 I don't even know whether the -- you know, I don't know whether the President
9 spoke from personal notes or there was anything officially -- I say "officially." I don't
10 think -- I don't know if there's anything prepared other than notes. I just don't know the
11 answer to that.

12 Q Okay.

13 Did you listen to the speech delivered by President Trump in the early hours of
14 November 4th?

15 A I believe I did. I don't have a specific recollection -- I don't have a
16 recollection of where I was. I don't know if I was in the back of the room or if I was over
17 in my office, because I -- at some point I went back over to my office.

18 Q Okay.

19 Could we pull up exhibit 4?

20 Exhibit 4 I'll describe to you, and feel free to take a little time to review if you need
21 to.

22 Exhibit 4 is a transcript of the speech that President Trump delivered in the
23 morning hours of November 4, 2020. I believe it was around 2:30 a.m. that day.

24 And do you recall, is this the speech that you recall listening to?

25 And please take as much time as you need to review it.

1 Mr. Burlingame. And while he's looking at it, James, is this an official transcript,
2 or is this just a media account of the transcript?

3 [REDACTED] It's a transcription service through online. So it's not one that came
4 through the White House, sir.

5 Mr. Burlingame. Okay. Thank you.

6 [REDACTED] You're welcome.

7 Mr. Burlingame. Is there a way you can enlarge on the screen --

8 [REDACTED] Yes.

9 Mr. Burlingame. -- the document?

10 [Discussion off the record.]

11 [REDACTED] I just want to ask about specific language that starts on page 4, so if
12 that's okay, if you don't feel the need to read the whole thing.

13 Mr. Burlingame. That's fine.

14 So focus in on the specific language, but if you feel like you need to look at other
15 portions of it --

16 The Witness. Okay.

17 Mr. Burlingame. -- to take whatever he's going to show you into context, just let
18 him know.

19 The Witness. Okay.

20 BY [REDACTED]

21 Q So the first part is at the end of this hanging-over paragraph on page 4.
22 President Trump is talking about what happened with the votes. And he's talking
23 about all -- as you mentioned, the numbers changed, and he seems to lay out some of
24 those numbers. And he says, "Because you know what happened. They knew they
25 couldn't win, so they said let's go to court."

1 And down a little farther, the next paragraph, in the middle, it starts with, "This is
2 a fraud on the American public. This is an embarrassment to our country. We were
3 getting ready to win this election. Frankly, we did win this election. So our goal now is
4 to ensure the integrity for the good of this nation. This is a very big moment. This is a
5 major fraud on our nation."

6 Were you surprised to hear language like that in the speech?

7 A I don't recall being surprised.

8 Q Okay. Do you recall what you and I assume Mr. Worthington drafted on
9 election night?

10 Mr. Burlingame. I object to the form of the question.

11 [REDACTED] Okay. Do you -- well, we'll just show you exhibit 3 then.

12 BY [REDACTED]

13 Q Mr. Haley, you mentioned on election day having drafted some short
14 speeches, I think, that were related to the election outcome. Am I remembering that
15 correctly?

16 A Right. I recall reviewing three, sort of, scenarios.

17 Q Sure. And we have here in front of you -- this is marked as exhibit 3. It
18 was an email, and it's from Ross Worthington to himself, it looks like, from his White
19 House email account to his Gmail account, on November 8th. And the subject line is
20 "Speech Drafts." And you can see, according to the header on this, it has "Election Night
21 Speech A," "Speech B," and "Speech C."

22 And the message he's forwarding is actually from November 3rd about 7:00 p.m.
23 Do you see that?

24 A I do. I do see it.

25 Q And so this email from Mr. Worthington is to several folks -- Derek Lyons,

1 Robert Gabriel -- and CC'd on the email are Stephen Miller and you. Do you see that?

2 A I do see that.

3 Q So was it Mr. Worthington who took, you know, the primary pen, so to
4 speak, on drafting these speeches for these three different outcomes?

5 A Yes, Ross took the primary pen.

6 Q And it looks like down here, the first one up on this exhibit is "Speech C."
7 And here, you know, the beginning paragraph seems to indicate, the end of this, you
8 know, "Tonight, the people have voted, and while the results are still being tallied, we are
9 confident that we are on track for a historic VICTORY!"

10 So how would you characterize scenario C based on, you know, this opening
11 paragraph? What was the scenario in which this speech would have been delivered?

12 A You know, I'd have to look at the two others. I don't -- this may have
13 been -- I mean, I'd have to look at the two others.

14 Q Sure.

15 A This might've been that the results are not all in and -- I'd have to look
16 this -- yeah, "the final votes come in." So the second paragraph, I think that's clear that
17 it's an uncertain result at that moment.

18 Q Sure.

19 And then I guess maybe we can -- further down, you can see, it's just barely more
20 than a page for that speech.

21 The next page on this exhibit is "Speech B." And it looks like it says, the second
22 paragraph, "A few moments ago, I spoke with Vice President Biden, and I conveyed to
23 him my sincere congratulations on his victory in this hard-fought campaign. I wish him
24 the very best as he takes on this new and solemn responsibility."

25 And then -- and that one's a little longer. But then "Election Night Speech A"

1 says, "I am extraordinarily honored by your support and filled with optimism for
2 America's future. In the years to come, I will continue to fight for you with everything
3 that I have."

4 And so, having seen those now, is it fair to characterize these as, you know,
5 scenario A, outright victory; scenario B, a concession speech; and scenario C, we think
6 we're on path to win but we're not declaring victory yet?

7 A Yes. We tried to prepare -- we tried to prepare a very basic template for
8 three scenarios: outright victory, defeat, and delay or uncertain at that hour.

1

2 [11:05 a.m.]

3

BY

4

Q And did you have a role in drafting the language that went into these three

5

election night speeches?

6

A I don't recall how much contribution I had. I would have reviewed it, but I

7

don't recall -- I don't recall, you know, making major changes to it or many changes to it.

8

Q And if I go back to the transmittal email that started this exhibit, you know,

9

Mr. Worthington is emailing this at 7 p.m. on election night. Do you recall conversations

10

on election night about which speech it is that we're going to end up giving among these

11

three? Maybe I should stop and rephrase it. Were any of these three speeches, to the

12

best of your recollection, under consideration to be given by the President on election

13

night?

14

Mr. Burlingame. I'm going to ask you to repeat the question just so I'm very

15

clear of what you're asking. Sorry.

16

BY

17

Q To the best -- if you remember, were any of these three speeches under

18

consideration to be given by the President on election night?

19

Mr. Burlingame. Under consideration. Could I just ask for clarification, please?

20

Sure.

21

Mr. Burlingame. Under consideration by the President himself, or just under

22

consideration by anybody beyond lost events?

23

Well, I guess maybe one way to reframe what we're getting at here

24

is, you know, I see this email as being sent to Mr. Lyons and Mr. Gabriel. Following this

25

email, do you remember conversations with any of the other individuals on this email

1 about any of these speeches being delivered?

2 Mr. Burlingame. Thank you.

3 The Witness. Yeah, I don't recall any conversations about what happened to
4 these drafts. Yeah, I don't know what Derek Lyons did with them, and I don't recall any
5 conversations about, you know, were they shared or were they -- what happened to
6 them.

7

BY

8 Q So if we scroll down through the speeches, Election Speech C. Right here.
9 "As we await the final results, now it is time for all Americans to come together. We
10 must never forget that we are all on the same side. We are all Americans." A little
11 lower down, "It is time to put bitter partisanship and old battles behind us."

12 And I can show you that that paragraph repeats in Election Speech B. Sorry. "It
13 is time for all Americans to come together. Never forget that we're all on the same side.
14 We are Americans." And in Election Speech A, "Now it is time for all Americans to come
15 together. It is time to put bitter partisanship and old battles behind us."

16 Do you remember talking with Mr. Worthington about this theme of unity
17 throughout the three speeches?

18 A I -- I mean, I don't recall talking with Ross about unity. I -- I -- I most
19 certainly would have reviewed this and thought it was fine.

20 Q Did -- in your recollection of the speech on November 4th and considering
21 the part that I read earlier, do you remember President Trump talking about unity in that
22 speech?

23 A I mean, I would have to look at it again, but I -- I -- are you talking about the
24 November 4th speech which you shared a transcript of?

25 Q Correct.

1 A Yeah, I don't have a recollection of him talking about unity in that speech,
2 but I would have to see it again.

3 Q You are --

4 Mr. Burlingame. He'll show it to you.

5 [REDACTED] Yeah, sorry, I forgot to pull it up. This is what happens when
6 lawyers are in charge of technology.

7 Mr. Burlingame. You do a better job than I do, that's for sure.

8 [REDACTED] Let's go to page 4 again, Kevin. Thank you.

9 BY [REDACTED]

10 Q So I know that you said you weren't surprised about this language that is on
11 page 4 about this being major fraud, and about the other side knowing we couldn't win
12 for the court. After reviewing the language in the draft speeches about unity, are you at
13 all surprised by the change in tone -- the apparent change in tone in the November 4th
14 speech?

15 A Well, I'm not -- I'm not -- the -- first, I don't know whether the President ever
16 saw the other speeches. And, in addition, you know, we were sort of scenario writing.
17 And, you know, the President, you know, had a different view with new information from,
18 you know -- I mean, I just don't think the President -- I don't know if the President saw the
19 other speeches. And that -- you know, we're obviously looking at three different
20 scenarios, and there was a new scenario.

21 Q So you don't think that the scenario that happened into election speech
22 draft C, which was the one that we agreed was sort of indeterminant -- need more time
23 to count the votes?

24 A You're asking whether I was surprised. I mean, I wasn't surprised that the
25 President, you know, gave these remarks -- I'm not surprised in a sense that, you know,

1 he had looked at the other draft, which I don't know that he did, and then decided to go
2 this way. That doesn't -- that doesn't surprise me. I have no idea whether he saw the
3 other draft, and nor would I be surprised that he wouldn't feel in any way to be bound by
4 the other drafts, because he understood the situation, and was responding to the
5 situation as he saw it at the time he gave his speech.

6 Q All right. But do you think --

7 Mr. Burlingame. I am sorry. Go ahead, but I would like to take a break.
8 We've been going now for a little while. But if you have another question coming, by all
9 means fire it away.

10 [REDACTED] I think we only have like a couple more questions on this, and then it
11 will be a natural point for the break, if that works for both of you?

12 Mr. Burlingame. That's fine with me.

13 BY [REDACTED]

14 Q Okay. So, Mr. Haley, do you think that the scenario that was present on
15 the morning of November 4th fit into what you had drafted exhibit C to operate under?

16 A I think it was a -- I think it was a different scenario.

17 Q Can you explain why it was a different scenario?

18 A Well, it was a unique scenario. The templates of the three speeches were
19 just intended to be a starting point.

20 Q Right. But Election Speech C -- and if you want, I can go back to it -- but the
21 second paragraph says, "I'll have more to say about the election tomorrow in the coming
22 days as the final votes come in." Were more votes being counted on the morning of
23 November 4th, 2020?

24 A Yes, the votes continued for several days.

25 Q Right. So I'm still wondering why this scenario on November 4th is

1 different in kind from the draft in exhibit C?

2 A Well, the -- the speech that the President gave is his speech. He was
3 responding -- he is the -- he is the President. He -- he can give his own speech. He can
4 give his speech. He has control over the final speech.

5 Q Well, I understand that. I'm asking for your point of view. You said that
6 you -- or at least I understood you to say that the scenario under which the President
7 gave this speech was different from exhibit -- the one in exhibit 3, Election Speech C.
8 Was I misunderstanding you?

9 A No. You didn't misunderstand me.

10 Q All right. And I'm just asking if you can explain why final votes coming in in
11 Election Speech C is different from, you know, the scenario from President Trump is
12 talking about here with final votes coming, or more votes coming and the numbers
13 changing?

14 A Well, the -- I think the President -- I mean, I don't want to speak for the
15 President, but the President is responding to a unique set of returns and changes in the
16 vote over time, and -- so that's why it's different.

17 Q Was it your understanding from the speech that President Trump declared
18 victory on the morning of November 4th?

19 A I would have to go read the speech in its entirety because I -- I don't have it
20 memorized to take it -- to have a real assessment of whether, you know, to answer your
21 question, so.

22

23 Q Mr. Haley, it's been reported publicly -- I don't know if you've seen this -- but
24 over the last year there's been a lot of books written and journalistic efforts. One thing
25 that's been reported publicly is that Rudy Giuliani was at the White House on election

1 night, and that Mr. Giuliani advised members of the Trump campaign to go out and just
2 say, We won. Did you see Mr. Giuliani at the White House on election night in 2020?

3 A Yes, I recall him seeing -- seeing him on the ground floor of the White -- of
4 the White House, yes.

5 Q And were you present for any conversations where Mr. Giuliani was advising
6 people, just go out and say we won, or declare a victory, or something like that.

7 A I don't -- I don't recall that at all. I don't recall. I don't recall being around
8 him other than seeing him at the table -- at a table.

9 Mr. Burlingame. Can we go ahead and take a break now? We seem to have
10 shifted off a little bit.

11  Sure.

12 Mr. Burlingame. Thank you very much. How long do you want?

13  Let's do 10 minutes.

14 Come back at 11:26.

15 Mr. Burlingame. Perfect. Thanks, guys.

16 [Recess.]

1

2

BY

3

Q We're back on the record at 11:26?

4

And if we can pull up exhibit 5.

5

Mr. Haley, exhibit 5 is an email that you sent to undisclosed recipients on

6

November 7th at 2020 at 10:48 a.m. And the subject is, Here is just one long ball idea.

7

And I hate throwing out ideas that are not fully baked, but time is short and it relates to

8

State legislature option.

9

What was the state legislature option?

10

A That refers to if there's a contested election pursuing relief in the State

11

legislatures.

12

Q And how did you come up with this idea?

13

A It's -- I mean, the Constitution sets forth that the State legislatures are

14

ultimately responsible for the awarding of electors in the electoral college.

15

Q Were you working with anybody on this idea?

16

A You know, I remember -- I mean, I just knew about that as a sort of a matter

17

of constitutional facts. I was sharing this idea with people to get their feedback,

18

different people I knew and trusted and I thought were good thinkers and wanted to

19

know their -- their reactions.

20

Q At the bottom of this email, you mentioned Randy Evans would be the

21

lawyer of the century. Were you working with Mr. Evans in November 2020?

22

Mr. Burlingame. I'll just let the record reflect that Randy is not in the room right

23

now, but I wish he were.

24

Okay.

25

BY

1 Q So, sorry, Mr. Haley, were you working with Randy Evans on the state
2 legislature option?

3 A No, I -- I've known Randy for years, and I spoke to him on the phone about
4 various ideas, including this one.

5 Q Okay. And how would the State legislature option actually work in
6 practice?

7 A Well, the -- the -- as I mentioned, the Constitution sets forth very clearly how
8 the electoral college works, and it provides the State legislatures with the total authority
9 to decide how to award those. And if one pursued that option, the way it would work is
10 that they -- the various State legislatures would have to decide to take back their
11 authority and make judgments about their electors.

12 Q Would that compete at all with the Secretaries of State who might have
13 certified certain electors?

14 A This would be a -- effectively, an appeal to the State legislatures as the
15 primary and ultimate decider of those electors above other mechanisms that had been
16 set forth previously under State law.

17 Q So did you envision State legislatures changing State law to amend those
18 mechanisms?

19 A The -- as I understand the way it would work is that the State legislature
20 could convene and make that judgment. You use the term, State -- I think you use the
21 term, change State law. I don't know the specifics, but I don't believe it would involve,
22 you know, the normal process of lawmaking that State legislatures would decide.

23 Q And can which State legislatures were you envisioning this strategy for?

24 A Those State legislatures that had uncertain outcomes, or questionable
25 outcomes, in the post-election period.

1 Q What would be the rationale for only those States, I guess, that State
2 legislatures deciding the slate of electors to go to Congress?

3 A Well, the campaign was contesting the election, and it would be in those
4 States that they were contesting.

5 Q Okay. So was this strategy only something you envisioned for 2020, or is it
6 something for any election where there is kind of contested results?

7 A Well, it was an idea that it would -- I mean, I was focused on 2020. I wasn't
8 thinking of it as a -- as a necessarily universal proposition. I was focused on 2020.

9 Q You mentioned regular people, like this email says, Randy Evans. Did you
10 workshop this idea with anybody else?

11 A Yes, I shared it with some friends and some other people in the White
12 House.

13 Q And who in the White House did you share it with?

14 A I shared it with John McEntee. I imagine I -- I also talked about it with Ross.
15 I don't recall talking about it Ross, but -- Will Bock in the White House, and -- yeah, those
16 two people in particular.

17 Q Do you remember if Stephen Miller was ever involved with the State
18 legislature idea?

19 A I recall sharing it with him as well, yes.

20 Q Did he ever ask you affirmatively to look into it?

21 A I don't recall him asking me that.

22 Q That's fine. Do you recall ever talking to Jared Kushner about the State
23 legislator option?

24 A No, I don't recall talking to Jared about it.

25 Q How about Donald Trump, Jr.?

1 A No, I don't recall talking to Donald Trump, Jr. about it. I don't recall talking
2 to Donald Trump, Jr., any time in the post-election period.

3 Q Understood.

4

BY [REDACTED]

5 Q This email that I think you produced, Mr. Haley, the header across the top
6 doesn't have recipients on it. Do you know why that is?

7 A I don't know? I -- sorry, go ahead. I don't know if that's -- I don't know
8 what that is. Maybe it's --

9 Q Do you recall?

10 A Yeah.

11 Q Sorry, we keep pausing, and then the court reporter, of course, will want to
12 kill us. Do you know whether this is an email that you sent with recipients that were
13 blind copied?

14 A I don't know. I would have to ask the people in technology. It might be a
15 note. I don't know.

16 Mr. Burlingame. I'm happy to follow up either during a break, later if I can, or
17 after this deposition to ascertain that. I will tell you, I don't know either, but happy to
18 look into it on our end.

19 [REDACTED] Great. Thank you for that. I appreciate it.

20

BY [REDACTED]

21 Q So how did you research -- I'm sorry, let me rephrase that. Did you ask
22 William Bock to help you research this State legislature option?

23 A I -- I worked with Will and brainstormed with Will, but I was already familiar
24 with the idea from the past. I mean, I just -- I'm aware of the power of the State
25 legislature. And, you know, I -- I recall asking Will to look at some Federalist Papers, the

1 Federalist Papers and find out what was -- what was contained in the Federalist Papers
2 about it.

3 Q Great. Thank you. Then outside of the White House, you -- we have seen
4 Randy Evans' name. I know he is in the room, and I know he is an attorney. How do
5 you know Mr. Evans?

6 A I've known Randy for, I guess, almost 20 years. But Randy and I both
7 worked with Newt Gingrich. That's how we know each other. And I certainly know
8 Randy was involved in sort of the post-election period in the year 2000, Bush v. Gore, and
9 was quite knowledgeable about everything involved in that.

10 Q So did Mr. Evans reach out to you about helping with the State legislature
11 option, or did you reach out to him?

12 A I don't think we -- we -- I recall talking with Randy by phone about many
13 things, and this -- this came up in conversation. I don't recall whether one of us reached
14 out to the other, specifically, on it.


15 Q And you mentioned speaking to Mr. McEntee about this option, do you
16 recall what you talked about?

17 A I don't recall speaking to him. I -- I -- I know I sent him the idea. I don't
18 know -- I don't recall having a follow-up conversation with him about it in person.

19 Q Did Newt Gingrich ever meet with John McEntee about this?

20 A I don't -- I don't know.

21 Q If could we pull up exhibit 6, and we'll start at page 35. These are text
22 messages that you produced, and I apologize for the number of pages. We'll have to
23 zoom in a bit.

24 Mr. Burlingame.  can you -- I have got enlarged copies of these printed
25 out. And I knew it was going to be hard to read these. Which one are you going to go

1 to in terms of the -- the thread on this text?

2 [REDACTED] So if you can scroll to the right, [REDACTED], to the messages. Yeah. All
3 right. Keep going down a little bit.

4 Mr. Burlingame. Is this the one with John McEntee on it?

5 [REDACTED] Yeah, could you get them organized by --

6 Mr. Burlingame. Well, I've got my hardcopy printout. Yeah, I've got a stack.
7 It looks like I just saw on the screen, Dan Huff and John McEntee. Is that where you're
8 headed?

9 [REDACTED] Yeah, I think we might have passed it. It's actually a little hard for
10 me to see it at this point.

11 Mr. Burlingame. Are we talking about the early November 2020 period? I am
12 looking at November 6th, at least at the start of this thread.

13 [REDACTED] Yeah, that's correct.

14 Mr. Burlingame. Okay. So I've got a hardcopy of it. My hardcopy doesn't
15 have the Bates numbers, but I've put it in front of the witness just so you know, so frankly
16 he and I can both -- can read it.

17 [REDACTED] Yeah. My apologies for the difficulty on reading it.

18 Mr. Burlingame. No, I understand. No worries.

19 BY [REDACTED]

20 Q So, yes, this the early November text with Mr. Huff and Mr. McEntee. And,
21 Mr. Haley, you said in the text where you send it to Mr. Huff and Mr. McEntee describing
22 the State legislature option. And you talk about Bush v. Gore. Then if we --

23 Mr. Burlingame. I'm trying to -- what date is that one?

24 [REDACTED] That should be -- I think, it's November 6th. It's a new TC.

25 Mr. Burlingame. Right. What time are you looking at?

1 [REDACTED] Oh, the time is between 1:24 and 2:37 p.m.

2 Mr. Burlingame. I have got the wrong one in front of me.

3 [REDACTED] Can you see it on the screen, Mr. Haley?

4 Mr. Burlingame. Can you read that?

5 The Witness. What's the first sentence that you want me to focus on?

6 BY [REDACTED]

7 Q Yeah, the constitutional firewall strategy. So this text is just to show you
8 and set the groundwork that you were speaking to Mr. McEntee and Mr. Huff?

9 A Yes.

10 Q So we can go to page -- we can go to page 53. Right there. That's good.
11 So on the beginning of page 53, which is November 8th, between yourself and Mr.
12 McEntee?

13 A Uh-huh.

14 Q Mr. McEntee sends you a text that says Newt's coming to see the boss
15 today. Any context? If we can keep scrolling down. And you respond -- it looks like
16 you respond to him, so apologies if the texts are not perched in order. I believe it's all
17 about sustaining the fight ahead of the recount and servicing any and all fraud in the
18 election. In the past to winning with our campaign's legal efforts, only one front of
19 many that need to be pursued. And if -- my apologies, again, it keeps going down to 54.
20 Oh, right there, sorry. And Mr. McEntee says, the boss just asked me about Randy
21 Evans, and I hyped him up pretty good, so he better deliver.

22 Do you know if Mr. Evans met with President Trump around November 8th?

23 A I -- I believe he did.

24 Q And were they talking about the State legislature option?

25 A That -- that I don't know.

1 Q Did Mr. Evans ever talk to you about the meetings afterwards?

2 A Yes, he did. I do remember talking to him about it.

3 Q What did he say?

4 A Well, I recall -- I recall on one hand, he -- he talked about how Dave Bossie
5 was going to be in the meeting. And I remember Dave Bossie was called out of the
6 meeting [REDACTED]

7 I remember that was very memorable. And the other thing that I remember very
8 strongly was that the President was -- was -- as I recall from Randy, was very confident of
9 the -- of success in the courts, or was emphasizing the efforts in the courts.

10 Q So is it Mr. Evans, as he reported to you, was it his understanding that
11 President Trump did not want to pursue the State legislature option at this time?

12 A Well, I don't recall -- I don't recall my conversation with Randy about
13 whether it was presented. I just don't remember that. I -- I remember that the
14 President had sort of a confidence in the court approach. I just don't remember what, if
15 anything, was reported about this position, or the State legislature strategy.

16 Q Did you ever speak with Mr. McEntee afterwards about how the meeting
17 went?

18 A I don't recall speaking to McEntee about that meeting.

19 Q We can go to page 68. So right there, Mr. -- you texting Mr. McEntee, let
20 me know if you want a 5-minute debrief in how I heard the meeting went yesterday.
21 Did you ever talk to him about it after that?

22 A It's possible, but I don't remember. It's very possible. I just don't
23 remember if we had a debrief or not. I just can't remember in my head.

24 Q Okay. Was there anyone else in the White House that you workshopped
25 the State legislature or someone else workshopped the State legislature option with?

1 A I mean, I don't -- I don't recall -- I think we had mentioned the people I talked
2 about it with. I don't recall others.

3 Q Understood. I'm still a little curious about one reason you wanted for the
4 State legislature option. So if we go to exhibit 8 of what you thought that this would
5 serve. Exhibit 8 is an email chain with between yourself and a Jackie Pick, regarding
6 Federalist Papers on the electoral college role of State legislatures in choosing electors.
7 This email is from November 8th at 4:38 p.m. So around -- it seems to be around the
8 same time. We don't know exactly when -- obviously when Mr. Evans might have met
9 with President Trump. If we scroll down a little bit.

10 You note that this is your personal view. And it is saying here is that The courts
11 are great for delay. If we have the nerve to whip this into a battle of tribes, the
12 American tribe can beat their corrupt tribe. We take intensity to the Nth degree. The
13 State legislatures will have to stick with the American tribe. What did you mean by
14 that?

15 A I meant that if there is an election contest, you will have to present the
16 concerns with the election outcome, and you would have to convince the people that
17 there was something there. And if there was a lot there and if you made that very clear,
18 you may be able to prevail in the State legislatures.

19 Q Okay. Thank you. So did you continue to pursue the State legislature
20 option after Mr. Evans' meeting with President Trump about it?

21 A Oh, well, I continue to have that as an idea. I -- I -- you know, I -- when you
22 say "pursue," I mean, I was aware of the idea that it was always a possibility. I don't
23 know offhand how many other people I would have talked to about it in terms of some of
24 those emails, but I do believe that I continued to share it with people.

25 Q Let's go to exhibit 11, please, then. So this is an email from William Bock to

1 yourself on November 9th. And he is attaching a model resolution that State
2 legislatures can affirm in a model statement that discusses the purpose for the resolution.
3 And we can scroll down and quickly show you that these attachments that appear to be a
4 statement of consortium of State legislatures on election integrity. And in the third to
5 the last paragraph on this first page, We cannot in good conscience -- right there -- we
6 cannot in good conscience, discharge our constitutional responsibilities under Article II
7 until we know we are not acting with complicity in a fraudulent and abusive process.
8 And then on page 4, there is -- it seems to be a fill-in, a State legislature's affirmation to
9 not certify electors. Do you remember working on this, Mr. Haley?

10 A Yes.

11 Q What was the purpose of this document?

12 A The purpose was to have an idea of how it would look like if one were to
13 pursue this strategy and how it would be argued.

14 Q And how would you have pursued this strategy?

15 A Well, it wouldn't have been my pursuit. It would have been if State
16 legislators were convinced of taking back their power, this would be the way -- this was
17 an effort to sort of have in mind how they would talk about it and articulate it.

18 Q Did you ever send this to State legislatures?

19 A I -- I don't recall sending it to any State legislators.

20 Q Do you know what happened to this document after Mr. Bock sent it to you?

21 A I think I shared it with a couple of people -- a couple of friends to get their
22 feedback on it and to take their temperature whether they thought it was viable as a -- as
23 an approach.

24 Q What was their response?

25 A I think they -- I generally recall interesting, but I don't recall anything specific

1 about what they said.

2 Q Did you show this to anybody else in the White House besides Mr. Bock?

3 A I don't recall sharing this -- I don't recall sharing this with -- with other
4 people in the White House. I don't recall.

5 Q How about anyone on the Trump campaign?

6 A I don't recall sharing it with anybody on the Trump campaign.

7 Q Did you speak to any State legislators about this document?

8 A I don't recall speaking to any State legislators.

9 Q Okay. Thank you. I want to return quickly to your comment about
10 getting people energized for this message. If we go to exhibit 6 at
11 page 46 -- unfortunately, no easy way to do it -- there is some text messages between
12 yourself and Ed Martin. And I think that for November 2nd, November 7th, we can
13 scroll down. Right.

14 Mr. Martin asks or says to you, Please push Flynn pardon. We need him for the
15 base rallying. And if we scroll up a little bit, Can I share it with Newt and Randy? And
16 you say, Yes. I can represent to you that you're talking about the State legislature
17 option. I can also show you another email text, if you need to see it to prove that point
18 up. But do you remember Mr. Martin talking to you about pushing a pardon for Mr.
19 Flynn?

20 A I don't recall having a phone conversation with Ed Martin about that. I see
21 the -- I see his text.

22 Q Do you know what came of this request?

23 A What do you mean?

24 Q Did you do anything in response to Mr. Martin asking you to please push the
25 Flynn pardon?

1 A I don't recall talking to anybody in the White House about it.

2 Q If we can to page 73, then, we have a follow-up text between you and Mr.
3 Martin. Right there. I'm sorry. Up a little bit.

4 So Mr. Martin text you on November 10th. It's a little blurry, but it looks like
5 10:27 or so, if you can see it. It says, A POTUS pardon Flynn on Thursday or Friday.
6 He'd come to D.C. for the rally march. Please float it to Newt. We need that guy
7 loosed. And you respond two messages down, I have recommended it.

8 Do you remember recommending the pardon to anyone in the White House?

9 A I don't remember it -- no. I don't remember recommending anybody into
10 the White House without any pardon.

11 Q How about Newt Gingrich?

12 A I don't recall. I don't recall talking to Newt about it.

13 Q Do you have a sense that Mr. Martin believed -- actually, I'll just withdraw
14 that question. Thank you.

15 So if we move forward a little bit. This is exhibit 49. I apologize. This was a
16 late add. These are emails from November 16th between yourself and Mr. Miller. And
17 I believe Mr. Worthington is CC'd. So if we scroll down a little bit to your initial message,
18 you're talking about an election update speech. And you're concerned about it being
19 entirely lawsuit centric. And a few paragraphs down, I know you said the benefit pivot
20 to calling on State legislators to involve themselves in their constitutional responsibilities.
21 Did you recommend to Mr. Miller that you -- putting this idea back up on
22 November 16th?

23 A I mean, the text is I'm -- I'm -- I'm sharing with him the idea that it could be
24 included. I'm reading it now. Is that helpful? Does that answer your question?

25 Q Yeah. Why did you recommend that it be included in the speech?

1 A I was concerned that the courts wouldn't adequately, or get involved in
2 getting to the merits of the challenges. And I thought the State legislatures are going to
3 be better vehicles for evaluating the claims.

4 Q Were you and Mr. Miller having any conversations about the strategy at this
5 point, aside from this email?

6 A I don't recall having conversations with him about -- about strategies.

7 Q So if we scroll up to Mr. Miller's reply to you. He says, There is no request
8 to address the State legislature issue in the remarks. So I'll hold that for his separate
9 treatment. Did he ever give you any color about why there was no request to do so?

10 A I don't recall any additional phone conversation or email where he explained
11 that with additional color, as you suggests, I don't recall that.

12 Q And as a general matter with Mr. Miller, there is no request to address, what
13 was your understanding of where that request came from?

14 A I -- I don't know.

15 Q So you didn't assume that it was President Trump?

16 A That -- I wouldn't make that assumption. It could have been other people
17 in the White House. It could have been any number of people. I just don't know.

18 Q Did you ever personally sour on the plan of the State legislature option?

19 A Could you describe what you mean by "sour"?

20 Q Sure. Did you ever change your mind about it being a good idea?

21 A Well, as I characterized it in some of those texts, I always thought it was a,
22 you know, a fairly long-shot idea and I -- I remained in that view that it was a long-ball,
23 Hail-Mary-type idea.

24 Q Was there ever a point in time between the election of 2020 and the
25 certification of the vote for President Biden on January 6th where you decided that it was

1 no longer worth pursuing the State legislator option?

2 A I -- I didn't think that way. I just -- can you rephrase the question? Can
3 you restate the question? I want to make sure I answer your question.

4 Q Sure. So between the election of 2020, right afterwards, where we saw
5 your emails about the State legislature option, and January 6th, when Congress certified
6 the vote for President Biden, was there a moment in time where you decided that it was
7 no longer worth pursuing the State legislature option?

8 A The way I thought of it was that this was something -- this was a strategy one
9 would pursue over time, over the contest period, and that it would, you know, have to be
10 something that got advanced and have political support in the States to be effective.

11 Q Did you -- I'm sorry for interrupting you. Did you see that political support
12 mobilizing at any time?

13 A I -- I don't recall seeing any kind of big mobilization.

14 Q Did any of that language eventually make it into draft speeches for President
15 Trump? Sorry, that was unclear, I can see by Mr. Burlingame's face.

16 Did any language about the constitutional power of State legislators to select
17 electors for President Trump, did any language representing that theory make it into draft
18 speeches for President Trump?

19 A You know, I don't recall -- I don't recall draft speeches, you know,
20 incorporating this as a strategy and calling for it as a strategy. I mean, I -- yeah.

21 BY [REDACTED]

22 Q Maybe to sort of step back and understand the sort of strategy from a
23 big-picture perspective. If I'm understanding you correctly, the idea is that there is a
24 sense -- and I guess there's some support from it in some of the opinions in Bush v.
25 Gore -- but the ultimate authority to determine the method of choosing electors comes

1 down to State legislators? Am I getting that right?

2 A Right. It's outlined in the Constitution. Yeah, that the State legislatures
3 have this authority.

4 Q And so, that if a State -- if a majority of a State legislature had a reason to
5 doubt the reliability of the outcome of the popular vote within their own State, they
6 could use their own authority to choose electors that they thought was in line with their
7 own view of what the actual outcome of the election was?

8 A Ultimately, I believe they would have to conduct some -- some sort of
9 investigation. But, ultimately, they would have that power, yes.

10 Q Now, I understand maybe from a practical perspective that what you've just
11 said -- and I think that that's characterized in what the emails that we've reviewed with
12 you say -- that the motivation behind this is -- these allegations of fraud or rules not being
13 complied with, that, in particular, States where that may have affected the outcome of
14 those legislatures should be should be encouraged to step in and either certify a different
15 slate of electors, or conduct some kind of audit or investigation so that they could get
16 more confidence than just what the original return results were. Am I getting that right?

17 A The State legislatures have ultimate accountability and responsibility, and
18 they could take back the power to do -- to do an investigation and to slate -- slate of
19 electors that they believe were -- were more accurately reflecting the outcome after
20 an -- probably after an investigation.

21 Q But in terms of the un -- like the original sort of seed of authority for that, at
22 least based on your understanding, there's not something that requires there to be
23 uncertainty about the outcome of the election in order for the legislature to insert
24 themselves into the process, right?

25 A Can you repeat the question?

1 Q Yeah, what I'm getting at is, is there a limiting principle to this theory, right?
 2 You've said that it's based on these allegations of fraud. But as far as I can see, the
 3 authority derived from the Constitution and from the views expressed by some of the
 4 concurrences in Bush v. Gore, fraud is not a limiting principle that's grounded in the
 5 Constitution, it's just a factual motivation in this particular election for the assertion of
 6 that authority.

7 Mr. Burlingame. I'm going to object to the extent you're calling for a legal
 8 question -- opinion here. And I don't -- I don't think you are, but just for the record, I
 9 want that objection on it. So thank you.

10 The Witness. So, I believe the Constitution -- my understanding is that, you
 11 know -- and I'm recalling the language from Bush v. Gore, the complete plenary power to
 12 do such a thing, to take back their power. And, you know, as a practical matter, one
 13 may -- yeah, I do believe they -- they have the power, the ultimate power under the
 14 Constitution to take back that power and make -- make a judgment.

15

BY

16 Q But it's not a judgment that requires there to be fraud in the first instance, at
 17 least to your understanding? I'm not asking for a legal opinion.

18 A From the text of the Constitution, that's my understanding.

19 Q Thanks.


20 Great. Thank you. Could we take a quick 5-minute recess? Is
 21 that okay with you?

22 Mr. Burlingame. What are you thinking about a lunch break?

23 Why don't we go for another hour, so after the 5-minute recess, if
 24 that's okay?

25 Mr. Burlingame. How about a lunch break now, since -- actually, because lunch

1 was just brought in. We can go off the record and discuss this.

2  Yes, let's go off the record.

3 [Discussion off the record.]

4 [Recess.]

1

2 [12:51 p.m.]

3 [REDACTED] Let's go back on the record. It's 12:51 p.m. for the deposition of
4 Mr. Haley.

5

BY [REDACTED]

6 Q Mr. Haley [REDACTED] is going to take on, sort of, a new topic here in a minute,
7 but one thing we wanted to go back and clarify.

8 You'll recall before lunch we were talking about election night, you going to the
9 residence, I think you said in the hallway of the living quarters in the residence. Can you
10 tell us, to the best of your recollection, who else was there?

11 A I believe -- well, Ross was there. I believe Jason Clark was there -- excuse
12 me, Justin Clark. Bill Stepien, as I recall, was there. At different times I recall Stephen,
13 but I don't know whether he was there in the hallway. I think Jason Miller was there.

14 Those are the people I remember. I don't know whether the First Lady was in
15 the hallway or not, but I remember seeing her.

16 Q And also the President, right?

17 A Yes, the President.

18 Q And you'll recall I asked you about Rudy Giuliani. Was Mr. Giuliani there in
19 the residence?

20 A I don't recall whether he was up there. As I mentioned, he was downstairs
21 in the -- at the reception. I don't remember if he was up there.

22 Q Okay. Thank you.

23 [REDACTED] Great. Thank you.

24

BY [REDACTED]

25 Q Mr. Haley, are you aware of a speech that the President put out on

1 December 2, 2020?

2 A I don't recall any specific speech, but, I mean, I saw some documents here.
3 He gave a couple of speeches, but I don't remember, you know, the specific speech you're
4 talking about in terms of the content.

5 Q Do you remember it being prerecorded?

6 A I do remember a prerecorded speech.

7 Q Right. Were you working on that speech?

8 A Yes, I worked on that speech, and I was at the recording.

9 Q Who else worked on the speech with you?

10 A Ross would've taken the lead on that speech.

11 Q Anyone from the campaign? Did Jenna Ellis help out?

12 A I don't recall -- I don't recall Jenna helping out with that speech. We got
13 lots of different inputs, but I don't remember all the inputs.

14 Q How about Cleta Mitchell?

15 A Again, I don't recall any particular inputs for any particular speech.

16 Q Thank you.

17 So, if we go to exhibit 22 quickly, this is a draft of what becomes the President's
18 remarks on December 2nd.

19 And on page 6 -- so you see there it's attached to an email from Ross to Stephen
20 Miller, CC'ing yourself on November 17th, titled "Election Update."

21 And if we go down to page 6, which should be the last page in the exhibit -- a little
22 more, one more paragraph -- do you see this paragraph: "Until these questions" -- and
23 "these questions" are about possible election fraud or election disputes.

24 "Until these questions can be addressed and the legal and Constitutional process
25 is completed, we will be asking the relevant states NOT to certify this election. This will

1 provide time for law enforcement, the courts, and state legislatures to assess and
2 confront the evidence before us."

3 Did this paragraph have anything to do with the State legislator option that we
4 had talked about earlier?

5 A I don't -- I mean, I don't spec- -- I don't recall.

6 Q Okay. So you don't -- do you recall having any conversations with Mr.
7 Miller or Ross at this time about State legislatures?

8 A I don't recall.

9 Q Okay.

10 And, to your knowledge or to your understanding, what was the purpose of this
11 speech that was prerecorded and delivered on December 2, 2020?

12 A Can I ask for clarification? I don't recall the date that it was recorded.
13 You say December 2nd. I don't know. Was that the date that it was recorded?

14 Q Sorry. December 2nd was the date that it was made public. And we can
15 show you an exhibit, if you'd like, to remember. Or --

16 Mr. Burlingame. Perhaps -- if you're making that representation, we're happy to
17 accept it.

18

BY [REDACTED]

19 Q That's fine. I actually do not know what date it was recorded, so that was
20 going to be one of my questions for you, Mr. Haley. So we might as well ask it right
21 now.

22 Do you know when the speech was recorded?

23 A No. In fact -- no, I don't -- I don't recall the date that it was recorded or the
24 date that it was released. But you're saying it was released on the 2nd of December?

25 Q Yes. I am representing it was released on the 2nd.

1 A Okay.

2 Q And here's exhibit 24, if you --

3 A Right.

4 Q Right.

5 So, back to my question, though, to your understanding, what was the purpose of
6 this speech?

7 A It was an election update speech.

8 Q And what was involved with the update?

9 A The speech, I believe, was updating on the status of the various election
10 challenges in the courts in the various States and the overall status of the contest.

11 Q Did the speechwriters think that this would be a particularly important
12 speech given by the President?

13 A We generally believe that all speeches are important. We thought this
14 speech was important.

15 Q Right, but relative to other election updates that had been given or other
16 speeches that the President had given, was this considered to be of a higher level of
17 importance?

18 A I don't recall thinking of it as a speech above all other speeches. I don't
19 recall that.

20 Q All right.

21 Do you remember how the speech, as delivered -- and I should be more
22 specific -- as it was being delivered to the video camera while it was being recorded -- do
23 you remember how the speechwriting team reacted to the speech?

24 A Are you asking while it was being recorded?

25 Q Right. So what was your immediate response after hearing the President

1 deliver this to the video camera?

2 A I don't recall my immediate response. I don't recall my response back then.
3 I don't have a recollection of any particular difference in responding to the taping of the
4 speech.

5 Q Did anyone else in the White House provide their feedback about the
6 speech, as delivered, to you?

7 A At the time, I think -- I believe Eric Herschmann was present for the speech,
8 and I remember him once or twice making a comment.

9 Q And what kind of comment?

10 A I don't recall. Something about -- something about the speech text.

11 Q Was there a time when you believed that the speech, as recorded, would not
12 be made public?

13 A Yes. I recall after the speech I have memory that it was to be released that
14 day, and then I do recall that it was not released that day, and my memory was that it was
15 not going to be released. At least, I heard that it was not going to be released.

16 Q And who told you that it wouldn't be released?

17 A I don't recall who said that or how I heard that.

18 Q Did anyone provide you with details about why it wouldn't be released?

19 A I don't recall getting an explanation of that.

20 Q Can we pull up exhibit 6 for one second? Page 101.

21 For your reference, these are texts between yourself, Mr. Robert Gabriel, and Ross
22 Worthington, and you were talking about the video.

23 So, "What happened?" you ask. And Robert Gabriel says, "The video isn't going
24 out."

25 If we could scroll down a little bit, you just talk about your reactions to it.

1 Mr. Gabriel says, "I watched and transcribed the version you sent last night. I
2 thought it was great." And Ross says, "Yeah I thought it would have stirred things up."

3 And you have a strong reaction, "Not going out ever??!!" and then say, "That's a
4 shame."

5 Why did you think it was a shame that the video wasn't going out?

6 A I don't recall why I said that. Every speech is a lot of work. I don't recall
7 why I wrote that.

8 Q Do you have any sense of why Mr. Worthington thought that this speech
9 would've stirred things up?

10 A No, I don't know why he wrote that.

11 Q Did you think the speech was going to cause some kind of stir?

12 A I thought we were in the middle of an election contest, which was already,
13 itself, obviously, a very big, ongoing news event. So any time the President spoke about
14 the election would make news.

15 Q Then, when the speech became public, did you have any conversations with
16 Mr. Worthington or Mr. Gabriel or other people in the speechwriting office about the fact
17 that it was made public?

18 A I don't recall any conversations. I'm sure it took my notice, but I don't
19 recall any conversations about it.

20 Q Did you ever hear from anybody about why the decision to make it public
21 happened after, as we just saw, it seems it wasn't going to go out?

22 A I don't recall any conversations which gave me any kind of color as to why
23 the video was released.

24 Q Okay. Thank you.

25 Any followup, [REDACTED]?

1 Great. So we can move on.

2 Are you familiar, Mr. Haley, with a lawsuit filed by the State of Texas on
3 December 7th against Pennsylvania, Georgia, Michigan, and Wisconsin?

4 A Yes. I'm generally familiar with that case, if that's the case brought by the
5 attorney general from Texas, yes.

6 Q Yes. I'll represent to you it was Mr. Paxton --

7 A Yeah.

8 Q -- the attorney general from Texas, against those four States. And this was
9 filed directly in the Supreme Court on December 7th.

10 Were people within the White House working on this lawsuit?

11 A I -- I don't know. I recall, in one instance, speechwriting was asked to help
12 contribute to an introduction to a lawsuit. I don't remember whether it was this
13 lawsuit.

14 Q Okay.

15 If we can pull up exhibit 30.

16 So exhibit 30, as you'll see, is an email from Mr. Stephen Miller to Mr.
17 Worthington and yourself, with the attachment "State-v-States-Compl 2020-11-30 v4."

18 And this email was -- at the top, it looks like it was forwarded on December 3rd at
19 12:09 a.m., but we've noticed that there might be -- and Mr. Burlingame knows
20 this -- that there might be a UTC problem with some emails.

21 So it's possible that this is -- or likely that this is from December 2nd at around
22 7:00 p.m., which would make sense as being only 2 hours after the initial email,
23 which -- we can scroll down a little bit -- is from Ms. Molly Michael to Mr. Miller, and she
24 is forwarding a request from Michael Farris with some info requested and asks to focus
25 on pages 1 to 6.

1 Was the speechwriting office working on this complaint as of December 2, 2020?

2 A As I stated, I recall being asked to help out, speechwriting being asked to
3 help out, with one of the lawsuits and the introduction. I don't recall when we would
4 have started that effort, and -- so I don't know if that answers your question.

5 Q That's fine.

6 And just as a general matter, how many lawsuits did the speechwriting office work
7 on during your 4 years in the Trump administration?

8 A Well, in this post-election period, I only recall -- only recall being asked to
9 contribute to one -- one lawsuit. In the entire 4 years, I don't recall being -- I don't recall
10 being asked to contribute to any litigation lawsuits.

11 Q Did it strike you as unusual that the speechwriting office was asked to
12 contribute to a lawsuit?

13 A I mean, it was -- you know, we were working on speeches, so it was out of
14 the ordinary but I didn't find it unusual.

15 Q Even though it was the only time you had been asked to do it in 4 years?

16 A Well, I mean, I -- like I said, it was out of the ordinary, but it was a request to
17 do it, so, you know, we helped out.

18 Q Okay. And who else worked on the introductory remarks with you?

19 A Ross. Ross would've taken the lead on that.

20 Q Okay. And were there any conversations with Mr. Miller about why the
21 speechwriting office was working on this?

22 A I don't recall talking to Stephen about it.

23 Q Did you talk to Mr. Worthington at all about why the speechwriting office
24 was working on this?

25 A I mean, I don't recall a conversation with Ross about, you know, why we

1 were being asked to do it. I understood they wanted help on setting up the
2 introduction. So I would've had a conversation with him about it, but I don't recall going
3 into questions about why.

4 Q Do you remember which specific filing of this lawsuit that you worked on?
5 Was it the complaint or something else?

6 A I don't know that --

7 Mr. Burlingame. I object to the form.

8 BY [REDACTED]

9 Q So I'll start with the baseline. Did you work on multiple filings for this
10 lawsuit?

11 Mr. Burlingame. Same objection.

12 [REDACTED] Maybe I can square this off.
13 [REDACTED]

14 Q Mr. Haley, you I think have said you recall working on the introduction to a
15 lawsuit. Do you know whether it was a filing for the Texas Supreme Court original
16 action filed by the attorney general in December of 2020?

17 A I don't recall which lawsuit it was, and I don't recall the procedural
18 disposition of the lawsuit. I just recall that I worked on an introduction to a suit
19 and -- yeah.

20 Q Do you remember which court the lawsuit was being filed in?

21 A No, I don't. I don't have a recollection of which court it was.

22 BY [REDACTED]

23 Q Well, we can scroll down to page 2 of this exhibit, and it's the attachment
24 that's labeled "State-v-States-Compl 2020-11-30 v4."

25 And you'll see: "No. [blank], Original. In the Supreme Court of the United

1 States. State of A, v." -- Pennsylvania, Arizona, Georgia, Michigan, Minnesota, Nevada,
2 and Wisconsin, some other States.

3 And I can represent to you that this does become the lawsuit that is eventually
4 filed by Mr. Paxton for Texas.

5 Do you recognize this as the lawsuit that you were working on?

6 A I take your word for it. I --

7 Q Great.

8 A Yeah.

9 Mr. Burlingame. Well, you said you'd take his word for it.

10 The Witness. Yeah.

11 Mr. Burlingame. So the question was, do you recognize it? I want to be clear.

12 The Witness. Well, I -- and I'm not --

13 Mr. Burlingame. If you want to represent that, that's fine, and, you know, we'll
14 accept it.

15 The Witness. Okay.

16 Mr. Burlingame. But I just want to be clear what this witness is now saying he
17 remembers versus accepting a representation.

18 The Witness. Yeah. I -- you know, I recall seeing lots of litigation-related
19 materials over the course of the post-election period. I don't have any specific -- I don't
20 have any recognition of this per se, but I am familiar that there was a Texas lawsuit.

21 BY [REDACTED]

22 Q And you are familiar that you worked on that Texas lawsuit?

23 A I'm familiar, as I said, that I recall working on the introduction to a lawsuit
24 with Ross. I don't remember which one it was.

25 BY [REDACTED]

1 Q If you look at the -- this is page 1 of this attachment from this email that
2 we've been looking at, exhibit 30.

3 A Yeah.

4 Q And you can see that it starts with a quote from John Adams and then, under
5 where it says "Bill of Complaint," starts with this: "Our Country stands at an important
6 crossroads. Either the Constitution matters and must be followed...or it is simply a
7 piece of parchment on display at the National Archives."

8 Reading this now in front of you, Mr. Haley, does this refresh your recollection
9 that this is language that you reviewed or worked on for the litigation that you do
10 remember contributing to?

11 A It does not refresh my recollection. I don't recall this language. That's not
12 to say it wasn't language that -- I just don't recall.

13 Q Okay.

14

BY

15 Q Well, just to square this off, I'll represent to you that the quote from John
16 Adams in the first introductory paragraph of this draft complaint, which does not say
17 Texas on it but was attached to an email that Mr. Miller forwarded to you about working
18 on this, is the same as what does get filed in that lawsuit that becomes Texas versus the
19 four States that I mentioned.

20 So if you're willing to accept that representation --

21 A So you're representing -- can you repeat? You're representing that this
22 language was language that Stephen Miller -- repeat that -- that Stephen Miller --

23 Q No, I'm not representing that Mr. Miller wrote this. I'm just trying to
24 square up, because you don't remember which lawsuit you worked on.

25 A Yes.

1 Q So I'm representing to you that this draft complaint attached to an email to
2 you, which does not say Texas versus those States, is, word for word, the same language
3 that appears in the complaint that was filed by Mr. Paxton in the lawsuit --

4 A Okay.

5 Q -- that is Texas versus those four States.

6 So I'd be happy to show it to you as an exhibit, or I can just represent to you that
7 these are the same lawsuits.

8 Mr. Burlingame. We are happy to accept your representation.

9 [REDACTED] Great.

10 BY [REDACTED]

11 Q So, with the understanding that you were working on the Texas v.
12 Pennsylvania lawsuit, did you work on multiple filings for it?

13 Mr. Burlingame. I object to the form.

14 [REDACTED] Can we just take one second?

15 Mr. Burlingame. Sure. Do you want to go off the record and have a discussion
16 or --

17 [REDACTED] Let's just go off the record real quick, and [REDACTED] and I will talk for
18 just a second.

19 Mr. Burlingame. Sure.

20 [Discussion off the record.]

21 [REDACTED] Sorry about that. We'll go back on at 1:16.

22 Mr. Burlingame. Okay.

23 BY [REDACTED]

24 Q So what do you remember about working on a lawsuit during this time?

25 A I recall being asked -- speechwriting was asked to help with the introduction

1 of a lawsuit and sort of, you know, present an overview. And that's what I -- that's what
2 I recall.

3 Q An overview of the lawsuit?

4 A As I recall, it was an overview of the election situation writ large.

5 Q Understood. Did you hear any conversations about coordinating efforts
6 with States or Members of Congress on this lawsuit?

7 A You mean, do I remember any conversations among White House staff
8 with --

9 Q Yes. Do you remember any conversations among White House staff about
10 working with States or Members of Congress on this lawsuit?

11 A No, I don't remember any of those -- any conversations with people in the
12 States or hearing any such conversations.

13

BY

14 Q Do you remember who the parties were to the lawsuit that you were asked
15 to work on?

16 A Well, I didn't remember which lawsuit it was. You've represented that it
17 was the Texas one. And, as I recall, Texas did have a lawsuit against the other -- some
18 other States with respect to the election contest.

19 Q Yeah. And I think, just to sort of lay out where I think -- not an impasse
20 that we reached, but in terms of where we have been in talking about this Texas
21 litigation, as I understand it, you have said that you remember working on an introduction
22 to a lawsuit. We have shown you an email that it appears you received attaching a
23 Word document with a draft of some kind of original action to be filed in the Supreme
24 Court.

25 And, in looking at that, I think what you said was, even looking at that did not

1 refresh your recollection about whether that particular complaint was one that you had
2 worked on.

3 Do you follow me?

4 A Yes, I follow, and that's correct. I mean, it didn't refresh my memory.

5 Q Right. And so what [REDACTED] had represented to you was that the language in
6 that Word document that we showed you is identical to the actual language that's filed in
7 the original action that Texas brought in the Supreme Court.

8 A Right.

9 Q So I think what may be missing here -- and it's fine, because I understand
10 memories fade, and it's been more than a year. But what's missing is, from your
11 perspective, a recollection that you, in fact, did work on that particular complaint.

12 A Yeah, and I don't have a recollection of whether it was that complaint. Are
13 you saying that the -- well --

14 Mr. Burlingame. You've answered the question.

15 BY [REDACTED]

16 Q So all I'm doing is I'm just trying to ask questions, recognizing that that
17 particular complaint doesn't move the ball one way or another for you in your memory, Is
18 just try to see if there's other data points that stand out for you. That's why I asked
19 about the court it was filed in, who the parties may have been.

20 And so I'm asking if you have any recollection of those places or people involved in
21 the lawsuit that might help illuminate which case you might've been working on.

22 A No. I think I saw the Texas lawsuit at one point in time. I mean, I saw
23 other lawsuits; I think I remember Texas. And I recall that -- it's not self-evident, you
24 know, what you showed me, that it was Texas. And I recall that in the past I've seen a
25 lawsuit that I recall didn't have a style like "Texas versus --", and that's a recollection I

1 have.

2

BY

3 Q Would there have been any other lawsuit at that time, to your memory, that
4 President Trump would've been involved in?

5 A I just know from, you know, public reporting that there were several
6 lawsuits. At times, I knew there were lawsuits in Pennsylvania.

7 Q Right, but -- so were there any other lawsuits, to your knowledge, filed in the
8 Supreme Court with original jurisdiction on which President Trump was working at that
9 time?

10 Mr. Burlingame. Object to the form.

11 The Witness. Yeah. As I said, I don't recall which lawsuit I worked on, so I don't
12 know -- when you say "other," I don't know other lawsuits that the President was working
13 on. And I don't recall whether the President was squarely focused on this one.

14

BY

15 Q And you don't remember if this preamble that you talked about that you
16 wrote was for a complaint or for some other filing?

17 A Right. I recall working on -- or taking part in a review of an introduction for
18 a lawsuit. I only -- I remember it one time. I don't recall it as a multiple-time event,
19 multiple-episodic event.

20 Q So, looking at exhibit 31 --

21 A Uh-huh.

22 Q -- this is an email from Mr. Worthington to Mr. Miller and yourself on
23 December 9th at 10:42 a.m., the subject line, "2 pager - preamble," and the attachment,
24 "Preamble - 2 pager."

25 And if we go to the third paragraph -- "As the state of Texas has amply

1 demonstrated" -- does that spur your recollection about which lawsuit you were working
2 on?

3 A I mean, I could read that. So it certainly looks like it was a Texas lawsuit,
4 uh-huh.

5 Q Would you agree you were working on the lawsuit that Texas filed in the
6 Supreme Court against Pennsylvania, Michigan -- and I'm suddenly forgetting the other
7 two States -- Pennsylvania, Michigan, Wisconsin, and I think Georgia?

8 A You know, reading this document now, it looks very clear that -- I mean, at
9 least from these first few paragraphs, that it's referring to the Texas lawsuit against the
10 other States.

11 Q Right. Thank you.

12 And were you aware that the President filed a motion to intervene in this lawsuit
13 on December 8th -- December 9th? I'm sorry.

14 A No, I don't recall that. I mean, I don't recall that the President did the
15 intervention that you described. I don't recall that.

16 Q So you don't remember if this preamble was for a motion to intervene?

17 A Yeah, I don't recall that.

18 Q That's fine.

19 Do you have any followup quickly on that?

20 Okay. Thank you.

21 Are you aware that the Supreme Court shortly thereafter rejected Texas's
22 petition? I think it was on December 11th that they rejected it.

23 A I recall that the Supreme Court rejected it. I don't remember how quickly
24 or the timing.

25 Q What did you think about the rejection?

1 A I was not surprised because I didn't think the courts were going to -- I had
2 real doubts that the Supreme Court would get involved.

3 Q Did you think President Trump had any other avenues to stay as President
4 after the Supreme Court knocked away the Texas lawsuit?

5 A Well, as I've said, I believe the State legislatures were a constitutional option
6 that could be pursued.

7 Q Did you think President Trump would soon be conceding after the Supreme
8 Court decided not to take up the Texas lawsuit?

9 A I don't recall thinking that.

10 Q I want to pull up exhibit 33.

11 Exhibit 33 is an email that you sent to thirdwave2, which I believe is -- thirdwave2
12 is SpeakerGingrich.com. It's either Mr. Gingrich himself or someone in the office.

13 "I do not know what discussions may be going on" -- this is from
14 December 13th -- "but I do not believe there will be a concession speech like Gore's
15 tomorrow. I am not sure he's inclined to give remarks after Electoral College vote."

16 Did you have any discussions with people in the White House about whether
17 President Trump would give a concession speech after the Supreme Court decision was
18 issued?

19 A I don't recall any conversation about a concession speech.

20 Q Do you know what gave you the impression that there wouldn't be a
21 concession speech?

22 A Just my observation of over -- just my observation of the President and his
23 public remarks and his discussions in the public eye.

24 Q And as of December 13th, did you believe that there would be a -- that
25 President Biden would take office on January 20th?

1 A Well, as of December 13th, I believe that there was an increasingly
2 likely -- that it was increasingly likely that there would be a President Biden.

3 Q Okay. Thank you.

4 Do you have any followup, 

5 All right. We can take that exhibit down.

6 Now we're going to move on to talking about the speech that Mr. Trump did
7 deliver on January 6th at the Ellipse. We can start off with a little background.

8 First, as a baseline, were you involved in the drafting process for that speech?

9 A So Ross had the lead pen on that, and I was involved. I'm -- I read the
10 speech.

11 Q And what did you understand the purpose of the speech to be?

12 A I understood that there was a group organizing an effort -- excuse me -- a
13 group was organizing an event on the Ellipse, and they asked the President to speak.
14 And it was the day of the certification activities on Capitol Hill, and so they asked the
15 President to speak at their event.

16 Q What was President Trump -- sorry. Did the speech have some sort of
17 outcome that it wanted to get at?

18 A I think it wanted to call attention to the issues of the election contest --

19 Q Okay.

20 A -- and make those known to, you know, the Members of Congress and make
21 it clear to the American people his view of what has happened in the election.

22 Q So did you understand it as a protest speech of sorts?

23 A I understood it as a -- in my own view, this was going to be the articulation of
24 what had transpired and his views about what had happened in the post-election period
25 and that it was a last appeal to Congress.

1 Q A last appeal for --

2 A A last appeal to -- you know, he clearly was asking the Congress to turn it
3 back over to the States at some point, but it was -- that was something that -- you know,
4 as I recall, that was something that was not the original part of the purpose of the event.
5 The purpose of the event was to call attention to the election contest and to protest, you
6 know, what had happened.

7 Q So when did that become -- when did this addition happen, then --

8 A The what?

9 Q -- if it wasn't part of the original purpose? When did the -- as you noted, it
10 wasn't part of the original purpose of the event. Do you know when that shifted?

11 A Well, I would have to take a look at the draft we prepared, but, you know,
12 looking back, there was talk over those -- I think, just in the final days before January 6th
13 of, you know, some claim that there could be action on Congress. I just recall it as being
14 right before the 6th.

15 Mr. Burlingame. Vince, listen to the question. Be sure you understand the
16 question, and answer the question.

17 The Witness. Okay.

18

BY 

19 Q Well, maybe one way to sort of get at some of this just -- and we'll look at
20 the drafts. I think you know we have them. We'll understand how the speech itself
21 evolved.

22 But, at the outset, when you first learned about the event, Mr. Haley, did you
23 understand that the President would be advocating for a particular action to take place in
24 Congress that day, when you first learned about the event?

25 A No, I don't recall that. I don't recall that that was the action -- the content

1 of the speech. You know, Ross was in touch with the organizers and was gathering that
2 information.

3 Q And so, when you say "to draw attention to the events of the election," I
4 want to make sure I understand what that means.

5 In the context of what you've just said now, is it your recollection that when you
6 first learned about the event, this is a speech for the President to speak at and he's going
7 to talk about things that did happen to bring awareness to it but not advocating a specific
8 course of action in Congress that day?

9 A I mean, I -- you know, I don't recall the specifics of -- I don't recall what I
10 understood about the intricacies of what that event was as it came to the 6th. I -- we
11 were focused on, you know, an earlier set of remarks and then focused on it, I think, on
12 the 5th. And I recall it being generally, in my mind, that it was likely to be similar to
13 what remarks the President had already made in the past.

14

BY

15 Q I guess another way of asking the question is, did President Trump provide
16 any direction to you or Mr. Worthington as to how he wanted the speech drafted, at the
17 outset?

18 A I don't recall any conversations with the President about -- at the outset of
19 drafting, no. I don't recall any conversations.

20 Q Okay. Did Mr. Miller provide any direction at the outset about the
21 direction that he wanted the speech drafted?

22 A You know, I recall having a conversation, I think even before the new year,
23 about upcoming speeches, and I believe -- I recall that this may be an event taking place.
24 I remember there was uncertainty about whether the event would happen.

25 Q But you don't remember if Mr. Miller gave you direction about what

1 [REDACTED] was talking about, in terms of whether the speech would be more of a summary of
2 what happened versus a call for current and future action?

3 A I recall that it was, you know, restating the facts and argumentation about
4 the election contest.

5 Q Okay.

6 And one last thing. I think I heard you say Ross was in touch with the organizers.
7 Was Mr. Worthington talking to the organizers of the event on January 6th, the rally
8 organizers?

9 Mr. Burlingame. I'm sorry. Could I get the question back? I just didn't --

10 BY [REDACTED]

11 Q Yeah. So I thought I heard Mr. Haley say a little while ago that Ross was in
12 touch with the organizers.

13 I'm just wondering if, Mr. Haley, you meant that Mr. Worthington was in touch
14 with the rally organizers.

15 A Yeah, let me be as specific, as much as I can.

16 Every speech, there will be acknowledgements, right, as I mentioned earlier -- who
17 are we going to acknowledge, who are the VIPs, who is -- you know, what is the nature of
18 the event. And those conversations happened. Ross was having those conversations.

19 I don't recall whom he talked with. I don't -- if your question is one of, was it the
20 rally organizers, I don't know whom he spoke with. I don't recall whom he spoke with.

21 Q That's fine. But, as I heard you say, it was about recognizing people and
22 thanking people. That's what your intention was.

23 A Yes.

24 Q Thank you.

25 A Who was introducing him, et cetera.

1 Q Understood.

2 So why don't we start looking at the drafts, then. If we could pull up
3 exhibit -- and, Mr. Burlingame, I can do this by just pulling up the redline that we
4 produced to you, or we could show you two different versions of drafts. Or will you
5 accept my representation that a certain exhibit is a redline of two drafts that I'll describe
6 to you?

7 Mr. Burlingame. [REDACTED] if you're making a representation to me, I will accept it.

8 [REDACTED] I appreciate that.

9 Mr. Burlingame. If it will speed it up, I will accept it even more.

10 [REDACTED] That was the hope, of speeding this up a little bit.

11 BY [REDACTED]

12 Q So if we go to exhibit 37. So this is -- Mr. Haley, this is a redline that we
13 generated. This did not come from you, and it did not come from any White House
14 records.

15 So this is a redline that we made between a draft that was sent -- a first draft that
16 was sent on January 5th at 3:30 p.m. and a second draft that was sent at 7:40 p.m. on
17 January 5th.

18 Mr. Burlingame. [REDACTED] can you just tell me, the 3:30 draft -- and I know I've got
19 it.

20 [REDACTED] Yeah.

21 Mr. Burlingame. I probably produced it to you. But that was sent from who to
22 whom?

23 [REDACTED] So that was sent -- let me open it up here. That was sent to Mr.
24 Worthington from Mr. Miller, CC'ing Mr. Haley and Robert Gabriel.

25 Mr. Burlingame. Okay. And then the one at 7:40 is the one that went back to

1 the White House server? Is that right?

2 [REDACTED] Correct. That's the one that went out to the staff secretary and
3 other people.

4 [REDACTED] And I think, to make it efficient with the documents that you have in
5 front of you, exhibit 35 has that 3:30 p.m. draft. Exhibit 36 has the 7 -- it may be actually
6 closer to 8 o'clock, 7:45 p.m. And then exhibit 36 is a redline that compares exhibit 35
7 to exhibit 36, if that makes sense.

8 Mr. Burlingame. Exhibit 37 is the redline.

9 [REDACTED] Yes. Yes. Sorry.

10 Mr. Burlingame. Right. Okay. That's very helpful, and I appreciate it.

11 [REDACTED] Great.

12 BY [REDACTED]

13 Q Mr. Haley, do you have a sense of who you were talking to to edit this draft
14 at 3:30?

15 A So this is the track-change of a -- the baseline here is the 3:30 version?

16 Q Right. So the crossed-out red would have been the original language in
17 3:30, and the blue and, you know, anything that's still there is the 7:40.

18 A Okay. Blue reflects the 7:40. Okay.

19 And then your question is who --

20 Q Yeah. I'll just restate it for you. Do you remember who you were talking
21 to to get feedback about how to change the 3:30 p.m. draft?

22 A I don't recall who we spoke with on the edits for the 7:40 draft. I don't
23 recall specifically. I mean, I just don't recall.

24 Q Okay.

25 A I don't know whether I was involved with getting feedback at that point or

1 whether Ross alone got the feedback. I just don't have a memory of grabbing this
2 feedback. I -- yeah.

3 Q Sure. Well, we'll show you exhibit 38 quickly, and maybe it will spur your
4 memory.

5 This is part of an email chain involving a later draft of the speech. But if we scroll
6 up to -- a little more. It's, unfortunately, between two pages. This is an email from, I
7 believe it was Madison Porter -- if we scroll up a little more, [REDACTED]

8 Yeah. See, it's cut between two pages.

9 So the email is from Madison Porter on January 5th at 5:28 p.m., so in between
10 the 3:30 and the 7:40 draft --

11 A Uh-huh.

12 Q -- to yourself and Mr. Worthington and Austin Ferrer, if I'm pronouncing his
13 last name correctly.

14 And in the email is: "Ross and Vince -- we got some feedback from POTUS re:
15 the remarks. Will give you a call."

16 Do you remember taking that call with Ms. Porter?

17 A I don't remember the call. I don't remember the call.

18 Q All right. Did you have communication with Mr. Miller around this time
19 about edits from the President?

20 A So -- I don't recall. You know, looking at that note, it's not clear to me
21 whether the President was reacting to a draft set of remarks, otherwise -- or that he just
22 had input. It says "feedback," but I don't know whether the -- I would be very -- frankly,
23 I think I'd be surprised if the President was reading the version from 3:30, but I don't
24 know. I think this might be just input.

25 Q Well, do you remember any of the input that the President gave, regardless

1 of whether he had read the 3:30 draft?

2 A I have memory that the President wanted to quote from a letter. I have
3 that memory. And I believe it was a State legislator who had written him.

4 Q Okay.

5 And I've got the same question for Mr. Miller. Did he have any information
6 about the President's input generally around this time?

7 A I don't recall. I don't recall that Stephen had input from the President with
8 respect to the 3:30 draft.

9 Q That's fine.

10 We can go back to exhibit 37, the redline.

11

BY 

12 Q Can I ask a question here about just the sequencing of all of this?

13 If we go to exhibit 35, this is what we've been calling the 3:30 draft, from Mr.
14 Worthington to Stephen Miller, copying you and Mr. Gabriel. And the email reflects
15 that it came from Mr. Worthington's Gmail account.

16 Would that be consistent with what you had said earlier this morning about using
17 personal devices to draft political speeches?

18 A Yes, that would be consistent with the practice for political speeches.

19 Q And, if we go to exhibit 36, which is this 7:48 draft, or 7:40, if you actually
20 scroll down, there's a 7:40 p.m. email from Mr. Worthington, again to Mr. Miller, and
21 with you copied and, I think, everyone using personal email addresses, and the subject
22 line is "Revised."

23 So, again, is that consistent with the practice of using personal devices to draft
24 political speeches for the President?

25 A Yes, that is consistent with that practice of political speeches.

1 Q And on this same thread here on exhibit 36, the top of this document starts
2 with Mr. Worthington, I think, using his official White House email to circulate to a larger
3 group of people, all with White House addresses, and asking, "Can everyone please
4 proofread given the length and the turnaround time?"

5 Just looking at the people who were the recipients on this email, do you have a
6 sense of this being -- are these all people from the speechwriting staff, or are these
7 different people from other components within the White House who might have an
8 interest in reviewing the speech?

9 A So this is the speechwriting component. The names here on this email
10 from Ross at 7:48 are to people in the speechwriting component, speechwriters and
11 researchers, and Robert Gabriel, who was, you know, working for Stephen.

12 Q So, then, if we go to exhibit 38, which is a thread we were looking at just a
13 moment ago here, at 5:11 p.m. Austin at the White House is emailing you and Ross
14 Worthington and copying Molly Michael and the staff secretary's email address at 5:11
15 p.m., asking, "Is a draft available for POTUS' speech tomorrow am?"

16 And then the next email on this chain comes from Madison Porter at 5:28 p.m.,
17 saying, "We got feedback from POTUS re: the remarks. Will give you a call."

18 And then the next email on this comes about a little more than half an hour later,
19 where you are advising Austin, "We are finalizing the draft. We anticipate delivery by
20 8 pm latest."

21 So, with this timeline set out, do you recall incorporating revisions from Madison
22 Porter into the second draft that was then circulated to the speechwriting team?

23 A I don't have a memory of talking with Madison, but it would be very likely
24 that it would've been incorporated, whatever we got, if we had a conversation. But I
25 don't recall a conversation.

1 Q And, just for the record, who is Madison Porter?

2 A So she worked in the staff secretary office. She was -- yeah.

3 Q And then the response back at about 7:40 p.m. from Austin Ferrer:
4 "Checking in. Any chance we can get it before 8?"

5 And it looks like here at -- again, this is a Universal Time Code on this, so I think it's
6 actually at about 7:46 p.m., Ross is sending this draft internally here.

7 Is Mr. Ferrer also in the staff secretary's office?

8 A So Austin used to work in the staff secretary office. I believe at this point
9 he's working in outer Oval, is my memory. So, yeah, Austin would've worked very
10 closely with the staff secretary. He knows them -- he knew them very well.

11 [REDACTED] You can go ahead.

12 BY [REDACTED]

13 Q Well, thank you, Mr. Haley.

14 If we go to exhibit 37, then, understanding that you don't remember the specific
15 conversation you might have had with Madison Porter or any specific feedback that you
16 got from anyone else, I'd like to point you to some language that was changed in this
17 draft.

18 So, if we go down to the first paragraph in blue, first blue paragraph, you'll see:
19 "Our Country has had enough, we will not take it anymore! Together, we will STOP THE
20 STEAL."

21 And if we go to juxtapose that to, on the next page of the draft, towards the
22 bottom, there's this paragraph that starts, "I want to thank the more than 140
23 members...", and the last sentence, which was in the 3:30 p.m. draft but did not make it
24 into the 7:40 is, "History will record that these Senators bravely stood up to Stop the
25 Steal."

- 1 Do you remember why the switch from having Members of Congress stopping the
- 2 steal to "we" stopping the steal?

1

2 [1:49 p.m.]

3 The Witness. No, I don't. I don't remember any particular reason or I don't
4 remember change.

5

BY [REDACTED]

6 Q Do you know if Stop the Steal referred specifically to the 2020 election?

7 A Referred specifically to which?

8 Q The November 2020 election.

9 A I believe the -- the phrase was being used at different times, and was I
10 believe, you know, referring to the 2020 election and the aftermath.

11 Q Thank you.

12 If we go to the last page -- sorry. Second to last page, you'll see the conclusion
13 here has been changed somewhat. So the original language was: I want to thank you
14 all once again for being here today. Now, go make sure that Congress hears your voice,
15 sees your peaceful protest, and knows that here in this country, the American people
16 rule.

17 That has been deleted and now it is: Thank you again to every citizen here today
18 and all across the country for standing strong. Now, it is up to the men and women of
19 Congress to do the right thing by their conscience, by their country, and by our
20 Constitution.

21 Do you know why the language about going to make sure that Congress hears
22 your voice was taken out?

23 A I -- I don't recall. We may have used that earlier in the speech, some of
24 that language maybe somewhere else in the speech, but I don't -- I don't know why that
25 was changed.

1 Q Were there conversations in the White House at all during this time about
2 the potential for violence on January 6th?

3 Mr. Burlingame. This time being the 3:30 to 7:40 period?

4 [REDACTED] Around early January. Sorry.

5 Mr. Burlingame. Okay. Thank you. So let me have the question back.

6 BY [REDACTED]

7 Q Yeah, sure. In early January and including the time that you were
8 drafting -- you were helping draft these speeches, this speech, were there conversations
9 in the White House about the possibility for violence in Washington, D.C. on January 6th?

10 A I don't recall any conversations like that about violence.

11 Q Great. Thank you.

12 I think we can move on --

13 Mr. Burlingame. When you get to a decent point here in the short-term, if we
14 could take a short break?

15 [REDACTED] Yeah. Let's just do it -- you want to do it right now, take, what, 5 or
16 10 minutes?

17 Mr. Burlingame. Five's fine. Thank you.

18 [Discussion off the record.]

19 [REDACTED] We'll go back on the record at 2:01 p.m.

20 BY [REDACTED]

21 Q Just to close the loop on this Mr. Haley, for this draft --

22 Mr. Burlingame. Which draft?

23 [REDACTED] Sorry, this red line. So the red line showing the difference between
24 7:40 and 3:30, we're still on that one.

25 Mr. Burlingame. Right. Okay. Thanks.

1 BY [REDACTED]

2 Q Yep. For the changes made between 3:30 and 7:40 p.m., did you
3 understand any of those changes to be coming from President Trump?

4 A Well, as I mentioned, as you pointed out, there was a call from
5 Madison -- and I don't recall whether we touched base with her or not. As I said, I have
6 a memory of the President wanting to include some lines from a letter he had received.
7 I don't recall whether those were included in that draft.

8 So if -- that's what I would most strongly remember if there was inclusion of
9 something from the President, but I don't know -- I don't remember the call with
10 Madison. So I don't know when that excerpt was put in, but I think it was in that time,
11 but I don't remember it.

12 Q Understood. And do you remember having a meeting with Stephen Miller
13 sometime on the afternoon of January 5th between the 3:30 draft and the 7:40 draft?

14 A I -- I don't remember. I don't remember having a meeting with him in the
15 afternoon. I don't -- I just don't have a memory of it.

16 Q And would there have been anybody else who would have provided
17 feedback on the draft, on the 3:30 draft before 7:40?

18 A Not -- not that I can think of.

19 Q Okay. Thank you.

20 So the next -- we'll do the same thing if that's okay with you, John.

21 Mr. Burlingame. Sure.

22 BY [REDACTED]

23 Q So exhibit 40 is a draft sent by Mr. Miller to -- you see Mr. Worthington
24 forwards it to himself, but this is a draft from Mr. Miller to Mr. Worthington, yourself, and
25 Mr. Gabriel at 10:22 a.m. on January 6th?

1 A Uh-huh.

2 Mr. Burlingame. You have to answer yes or no.

3 The Witness. I'm sorry. Yes, I'm recognizing that email you're putting up on
4 the screen of January 6th from Stephen. I'm included at 10:22 a.m.

5

BY 

6 Q And it says: Start inputting these changes ASAP. And then Mr. Miller
7 responds to immediately thereafter to his own email, saying: Then have a new version
8 with red highlights marking POTUS edits sent back to him ASAP as well. And if we scroll
9 down to the attachment to this email.

10 So this actually is a red line that was produced to us. So it appears to be the one
11 that Mr. Miller attached to the original email. Do you recognize this draft?

12 A I mean, I don't -- I don't remember recognize the draft, but I have no reason
13 to doubt that that's not what was -- what was sent.

14 Q So we scroll down to the -- as with the other one, the green crossouts
15 appear to be changes from the 7:40 where the blue is additions. And the black text is
16 stuff that stayed. So if we scroll down a little bit to the end of the first page. Do you
17 see in blue that -- what is it, added is: Today, we will see whether Republicans stand
18 strong for the integrity of our elections. And we will see whether Mike Pence enters
19 history as a truly great and courageous leader.

20 Around this time, were there conversations about the role that Vice President
21 Pence would play on January 6th?

22 A Can you elaborate? When you say "conversations" --

23 Q Conversations with the speech writing team about the role that Vice
24 President Pence would play on January 6th.

25 A At this moment in time at 10:23 in the morning on the 6th?

1 Q I'm sorry. Around this time, so on January 5th and January 6th, were you
2 having conversations about whether Vice President Pence -- the role that Vice President
3 Pence would play on January 6th?

4 A I don't remember having -- I don't remember having any conversations
5 about -- about Pence or hearing about Pence role on January 6th up until, I believe, this
6 point.

7 Q And was it your understanding that this edit came from the President?

8 A Well, I can only refer you to the -- to the email which indicated -- what's the
9 email say? Yeah. The 10:23 a.m. says: Marking POTUS edits sent back to him.

10 So I -- I take it from that that these were POTUS edits, but that's what I'm taking it
11 from. I had no -- I had no direct knowledge.

12 Q And if we go to the end of the speech, this is more just as a point of
13 reference, the last -- second to last paragraph, you'll see that there hasn't been any
14 changes to the conclusion. So there is no language about -- at this point at the end
15 about people heading to the Capitol to make their voices heard.

16 Do you see that?

17 A I see that. I see the absence of that in this text.

18 Q Thank you. Do you know if there were edits made after this point at 10:22
19 in the morning?

20 A I -- I mean, I believe there were, but I don't recall exactly. They would have
21 been contained in the email traffic. The -- so I believe there were some additional edits.
22 I -- I do recall at one point being on the phone with somebody. I think -- I believe it was
23 Stephen Miller who had -- who had an edit to make, and I took a -- I took some edits from
24 him, but I don't recall whether those were confirming edits, whether I covered everything
25 or not.

1 Q Do you know where Mr. Miller was when he called you with those edits?

2 A I don't know exactly where he was, no, I don't know.

3 Q If we can look at the daily diary, which is exhibit 39 from the White House
4 that day, if we scroll down a little bit. I think it's the last entry on this page.

5 So at 11:11 a.m., the President met with some members of his family and Stephen
6 Miller.

7 Was Mr. Miller talking to you about edits that came directly from President
8 Trump?

9 A I missed hearing you.

10 Mr. Burlingame. You garbled up a little bit there.

11

BY

12 Q Oh, I'm sorry. Oh. I accidentally covered the microphone.

13 A That'll do it.

14 Q What did we say about lawyers and technology.

15 You can see at 11:11 a.m., the President met with some members of his family
16 and Stephen Miller. Was it your understanding of the edits that Mr. Miller was talking
17 to you about came directly from the President?

18 A I don't have a specific -- I don't have a memory of that, but I was -- I was
19 taking last-minute edits from Stephen and -- and I don't have direct knowledge where
20 they came from. I can make an assumption, but I don't know where they came from. I
21 don't believe it was communicated to me.

22 Q Did Mr. Miller tell you whether he was talking to the President and the other
23 people in this meeting about the speech?

24 A I don't recall conversations Stephen talking about other people in the
25 meeting. I mean, I took it from the email that he was getting edits from the President,

1 but I don't recall Stephen mentioning other people.

2 Q And he didn't summarize to you what was being talked about at this time?

3 A No, he did not summarize any type of discussions that he was having.

4 Q All right. Did Mr. Miller ever tell you about President Trump calling Vice

5 President Pence on the morning of January 6th?

6 A I don't recall Stephen ever telling me that.

7 Q All right.

8 A I certainly don't recall it at this time.

9 Q Thank you.

10 A This time period.

11 Q And just -- where were you around 11:11 a.m. on January 6th?

12 A So as I recall, the speech was originally set to begin at 11. I went down to
13 the Ellipse to be there on site at the offstage announce area where they have the
14 teleprompter, and I can't recall exactly the time, but I probably would've gone down
15 there around 10:10, 10:15. And I would have been there to receive and confirm that
16 edits were properly made into the teleprompter.

17 Q So did you listen to President Trump's speech from the Ellipse --

18 A I was --

19 Q -- or wherever -- sorry, wherever you were relative to the stage?


20 A Sure. I was backstage in what they call the offstage announce area and I
21 was standing by the teleprompter and my role was to, you know, watch the President and
22 watch the teleprompter and to be sure that we kept pace with his speech, and that's a
23 typical role which I played many times.

24  When you say "keep pace with the speech," what does that mean?


25 The Witness. So it means a couple things. Sometimes the President will say

1 something and he won't want to repeat it. This could be in any type of speech, so if he
2 says something early, and he comes to that point, you might push past it.
3 If -- if -- obviously, if he departs from the text, you would -- you know, the teleprompter
4 would pause and wait to continue.

5 So the role -- the role that I played that day is a role that, you know, people would
6 play next to the teleprompter to guide the teleprompter operator upon the rare
7 occasions when you might push ahead.

8  Was that a particularly difficult job on January 6th? Sorry. I
9 should've given you a reference point -- relative to other times you had done it?

10 The Witness. I wouldn't -- I don't think of it as relative to any other time. It's
11 a -- it's, you know, it's a unique role, and January 6th was like many other speeches in the
12 sense that you just -- you just did the job.

13  So does that also mean that you, as the speech is going on, have to
14 be listening to what the President is saying in case he goes -- say he goes off-script or
15 off-prompter, but starts to talk about something that he's maybe remembering is later in
16 the speech, it was up to you after he came back to the prompter to skip ahead so he
17 didn't repeat himself?

18 The Witness. That -- that is substantially correct that it was -- I -- I am paying
19 attention to the teleprompter as its going and almost always, there is a video monitor of
20 the President speaking within the offstage announce area, in this case, a tent. So I
21 am -- I am watching him while next to the prompter.

22

BY 


23 Q Sounds like some very active listening just from my outside perspective.

24 So why don't we take a look at exhibit 45 then, and as with the other red lines that
25 we have looked at, instead of going through a couple of the formal drafts, this is a red line


1 between the final draft of the speech that we believe was given to the President, and
2 what was delivered on stage.

3 As you can see, the blue crossouts are things that were in the draft as provided,
4 and the blue additions, I'm sorry, of the same color are the speech as delivered.

5 Mr. Burlingame. Just so I'm clear, though, when you say what you understand to
6 be the final draft of the speech given to the President, which one?

7  Exhibit 43. So this is a red line between exhibit 43, which you'll see
8 is an email from Mr. Gabriel to Dan Scavino. If that's UTC, it's around 1:25 p.m., but it's
9 on January 6th. And you see the subject is "final draft attached."

10 Mr. Burlingame. Right.

11  And then exhibit 44 is a transcript of the speech as delivered by
12 President Trump. This transcript was put together by a bipartisan Senate. I guess the
13 best task force might be the best way to put it, and it was agreed to by both parties as a
14 transcript of the speech that the President delivered on January 6th.

15 Mr. Burlingame. Okay. So exhibit 45 is just a red line of the draft of exhibit 43
16 versus the speech put together by the bipartisan commission in exhibit 44 --

17  Correct.

18 Mr. Burlingame. -- right? Okay. Thank you for that clarification.

19  And apologize for not using the numbers first.

20 BY 

21 Q So we can start just on page 2 of this draft. A little further down. Right
22 there is good.

23 And understanding, again, that these are additions that the President made while
24 speaking, you'll notice -- do you see a couple mentions of Mike Pence right there?

25 A Yes, I see -- I see the mentions of Mike Pence.

1 Q Were you surprised to see that Vice President Pence had become primary
2 subject of at least this part of the speech? Were you surprised to hear I guess is a better
3 verb?

4 A No, only in that, you know, I saw it in the edits that were provided, the edits
5 that came in that morning. So I wasn't surprised to hear him talk about Pence.

6 [REDACTED] If I understand your testimony correctly, you did not get any
7 feedback about the inclusion of the Vice President in the President's remarks until the
8 morning of January 6th. Is that right?

9 The Witness. That's -- that's how -- that's what I recall. I don't recall having any
10 conversations about the Vice President in the previous night's draft.

11

BY [REDACTED]

12 Q The draft that we saw before from Mr. Miller in the morning had one
13 sentence about Vice President Pence, and, you know, we could scroll through and search
14 all of the references to Vice President Pence, but I represent to you that there are plenty
15 of them. And as you were listening to this speech, what was your reaction to hearing
16 about Vice President Pence repeatedly?

17 A What was my reaction?

18 Q Yeah.

19 A I mean -- I mean, I have to reread the sentences, but, you know, taking on
20 the Vice President, you know, he's got an office in the West Wing. We all know the Vice
21 President. Nobody liked the tension between them.

22 Q And was it your impression that the speech represented that tension?

23 A I mean, it clearly represents tension.

24 Q And at this time, did you know that Vice President Pence was not going to do
25 the President's willing and not certify the election for President Biden on January 6th?

1 A I -- I don't recall what I knew that morning. I -- I don't recall what I knew
2 that morning. You know, later I certainly was familiar with a memo that the Vice
3 President put out, but I don't -- I don't know if I knew it that morning.

4 And so yeah. I -- I also recall -- I have a vague recollection of -- of, you know,
5 this -- this new idea about the -- what would happen on January 6th, but other than that, I
6 didn't know about -- I don't recall situation the Vice President and his, you know, his
7 memo that he put out.

8 Q And just to close the loop, you did not know ahead of time that President
9 Trump would be saying any of these specific things about Vice President Pence outside of
10 the sentence that you saw on the morning?

11 A Well, there was -- there was additional edits that were brought -- brought
12 down. And I -- I know that -- and I don't know who it was that came down with edits,
13 and I don't know whether they were confirmatory edits. I think it was Robert Gabriel,
14 but I don't -- I don't recall whether it was Robert Gabriel, the teleprompter, confirming.
15 And as I recall, there was a very tough -- a tough sentence about the Vice President that
16 was -- that was added, but I don't recall -- I think it was in addition to the one that we saw
17 on 10:23.

18 Q And you did add that sentence to the teleprompter?

19 A Yes.

20 Q Can you remember what it said?

21 A It was -- I don't recall -- I don't recall specifically what it said. I recall that it
22 was very tough.

23 Q Was it your understanding that President Trump had asked that that specific
24 sentence be included in the speech?

25 A I don't know that -- I don't know that for a fact. I don't know that for a fact.

1 Q At the time, was it your understanding that a sentence like that, that was
2 tough on the Vice President, would've come directly from President Trump?

3 A It -- I don't know that it came from President Trump, but, you know,
4 referring to the 10:23 email, these were edits that Stephen was conveying, it seemed like,
5 from POTUS. So I -- I could -- I can only say -- I can only refer you to the 10:23 emails
6 that they seemed to be coming from POTUS.

7 [REDACTED] Sorry. What is a confirmatory edit?

8 The Witness. Well, when I -- thank you for that.

9 It's making sure that the edit that was previously sent was actually in the
10 teleprompter and was reflected the change. I did that -- that morning and I believe -- I
11 think it was Robert Gabriel also came in to make sure that all the edits were like a
12 double-check.

13 [REDACTED] Okay. Thank you.

14 [REDACTED] Thank you. ■

15 [REDACTED]

16 Q On page 5, in the fourth paragraph down: We're going to walk down to the
17 Capitol -- this is President Trump's language: We're going to walk down to the Capitol
18 and we're going to cheer on our brave Senators and congressmen and women, and we're
19 probably not going to be cheering so much for some of them.


20 Did you know that this language would be included in President Trump's speech as
21 delivered?

22 A No, I don't have any recollection expecting that.


23 Q Were there any conversations in early January of 2021 in the White House
24 about whether President Trump would march to the Capitol on January 6th?

25 A I don't recall any conversations about -- about that, about marching to the

1 Capitol, the President marching to the Capitol.

2  Do you recall any conversations during the drafting of this speech
3 about the President encouraging those gathered to go to the Capitol?

4 The Witness. Well, I would -- I would look at the text of the speech. I recall a
5 sentence about, you know, peacefully and patriotically making your voices heard. I
6 don't know the actual sentence, but I recall that.

7  Do you remember any conversations during the drafting of the
8 speech about there being other events taking place around the Capitol grounds where
9 the President would be directing people to go?

10 The Witness. No. I don't recall conversations like that. I don't recall
11 conversations about other events near the Capitol.

12

BY 

13 Q Do you recall, just as a general matter, in other speeches that you drafted
14 where the President directly asked people to go somewhere?

15 A Can you repeat the question? Do I -- go ahead.

16 Q Did you work on other drafts where the President, in his speech, asked
17 people to go to a specific location on that day?

18 A I mean, the March for Life comes to mind, both, I believe, he phoned in one
19 year. Another year he went down to the Mall and spoke, and I think he encouraged
20 them on their march. I'm guessing there were other speeches in which, you know,
21 people were in town and he spoke at an event and they were going to Capitol Hill and he
22 encouraged them to talk to their Members of Congress, but I don't know offhand. But
23 the March for Life comes to mind as one example.

24 Q Do you know if, at least for the March for Life example as the one that
25 comes to mind, whether, if the President did encourage people to march, whether

1 Congress was in session that day?

2 A I -- I don't recall. I don't recall whether Congress was in session.

3 Q And has he ever mentioned, in other speeches, about cheering on certain
4 Senators and Members of Congress, but not others?

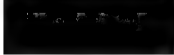
5 A I do remember the course OF the tax fight he would say some things about
6 certain Members as he was encouraging action, encouraging votes back in 2017 on the
7 tax fight.

8 Q Did President Trump, in other speeches that you worked on, did you ever
9 draft language about we're walking somewhere or we're marching together versus now
10 you, you know, go peacefully and patriotically march?

11 A I don't recall any other speeches. I'd have to give it some thought, but I
12 don't recall offhand.

13 Q When you heard him say on January 6th that we're going to walk down to
14 the Capitol, you know, we're going to walk down Pennsylvania Avenue and we're going to
15 the Capitol, how did you take his words?


16 A I -- I mean, I don't remember other than that it was -- it was the end of the
17 speech and, you know, he had encouraged people to make their voices heard. And I just
18 recall that being a -- an invitation again, a repetition of going down to the Capitol.

19  So here on this page, Mr. Haley, if you look, it says, you know, Now it
20 is up to Congress to confront this egregious assault on our democracy and after this,
21 we're going to walk down and I'll be there with you. We're going to walk down. We're
22 going to walk down.

23 So isolating that specific phrase, "I'll be there with you," CAN you remember
24 hearing the President say that on January 6th?

25 The Witness. I don't -- I don't remember it, but I mean, I remember the general

1 sense of the speech winding up and, you know, sort of the visual image of going down to
2 the Capitol.

3  But to the best of your recollection, you don't remember reacting to
4 the President suggesting that he himself was going to go down to the Capitol. Is that
5 fair?

6 The Witness. Yes. That's fair. I don't remember -- I did not have a distinct
7 impression that the President was going to walk down to the Capitol.

8

BY 

9 Q And the last little language we'll ask about here is on page 23. I can
10 preview it for you. It's a line: Then we fight. We fight like hell. If you don't fight
11 like hell, you're not going to have a country anymore.

12 And this is a couple of lines above where he repeats that we're going to walk
13 down Pennsylvania Avenue.

14 Did you ever write speeches for President Trump in which he used language like if
15 you don't fight like hell, you won't have a country anymore?

16 A The -- the language feels familiar, the idea of fighting like hell and giving it all
17 that you have, you know, there's some lines in the rally speech that are akin to this line.

18 So it would not surprise me to find this in a rally speech.

19 Q From when you were listening to the speech, could you hear the crowd at
20 all, or were you just kind of in your own bubble?

21 A You could hear -- you could hear the crowd. There was -- there was
22 actually some low-level noise in the tent, but, you know, remember, we've got a video
23 monitor on and we're hearing the President and we're also hearing the crowd.

24 Q Do you have any specific recollections of lines or themes that made the
25 crowd sort of cheer more loudly?

1 A I don't have a recollection of -- there are many applause lines. I don't
2 remember particular applauses, you know, from a line in the speech.

3 Q And did you hear the crowd chanting anything else while you were there?

4 A I don't -- I don't remember any particular chants. I don't remember chants.

5 Q Thank you. So after the speech is done, where did you go?

6 A So I stayed in the tent for probably 10 to 15 minutes. I recall the President
7 came into the tent and walked through it, stopped. I think he might've signed some
8 things and then he went on to the motorcade as I recall.

9 [REDACTED] I apologize. I should've done this before that last question. I
10 would just pause and see if anyone else had any follow up on the final speech, whether it
11 be [REDACTED] or someone on the Webex.

12 [REDACTED] Yeah. I'll jump in if that's okay, [REDACTED]

13 [REDACTED] And this is [REDACTED] an investigator with the select
14 committee.

15 [REDACTED] Hello.

16 Mr. Burlingame. Hi, [REDACTED]

17 [REDACTED] Hi, how are you doing?

18 Mr. Burlingame. Doing well. Thanks.

19 [REDACTED] Excellent.

20 So I was actually hoping we could go back to exhibit 43 and zero in on the final
21 draft of the speech, not necessarily the speech as given, but the final draft that was
22 emailed.

23 [REDACTED] Which page, [REDACTED]?

24 [REDACTED] So we'll start on page 2, paragraph 1.

25 BY [REDACTED]

1 Q I just have some questions about kind of the objectives of specific lines. Of
2 course, I can also let you know how the lines unfolded when President Trump delivered
3 them, but I just want to zero in on the speech writing and any choices that were made
4 there.

5 So with page 2, paragraph 1, we have the line: "Our country has had enough.
6 We will not take it anymore." And President Trump delivered a similar line and he said:
7 These people are not going to take it any longer.

8 So I was just curious what does that line mean in practice, specifically what does
9 not taking it any longer look like?

10 A I think it means generally that we want to stand up to things that we thought
11 were -- were corrupt and unfair. And -- but primarily, it meant that as he says later in
12 the speech, the Republicans have to stand up in Congress.

13 Q Okay. Excellent. Thank you.

14 Same page, paragraph 6, I'll give you a second to get there.

15 Where it was written that Republicans are constantly fighting like a boxer with
16 both hands tied behind their backs. President Trump said something similar saying that
17 Republicans are constantly fighting like a boxer with his hands tied behind his back. And
18 he follows it up with saying: We're going to have to fight much harder.

19 So I'm curious what would you say was the objective of this metaphor? What
20 kind of picture were the speech writers and President Trump trying to paint to his
21 supporters?

22 A I think that -- I think that what he was trying to communicate is to take very
23 seriously the challenges to election integrity that had been uncovered in the course of the
24 post-election period.

25 Q Okay. And would you say the -- just as a follow up to that particular quote,

1 would you say that the speech writers were -- you guys were trying to convey some sense
2 of victimhood? Would you say that Republicans in the United States were victims of
3 something when you wrote this line?

4 A No, I don't -- I didn't -- I didn't have those sentiments in mind when I read
5 that. I don't think that way. I'm thinking more that you have to stand up for
6 your -- your rights and stand up for what you believe. And it's a critique of Republicans
7 who don't do that.

8 Q Okay. Excellent. Thank you.

9 And we'll go ahead to page 3, paragraph 5. I just have a few more of these.
10 Bear with me.

11 So paragraph 5, there's a line in there that says: Today, for the sake of our
12 democracy, for the sake of our Constitution, and for the sake of our children, we lay out
13 the case for the entire world to hear.

14 President Trump delivered that line almost exactly on the day of, and I know
15 earlier that day as well, you know, Rudy Giuliani had closed out his speech with a similar
16 sentiment saying -- he ended up saying: But you look in the mirror every night and you
17 say to yourself, I'm doing the right thing for myself, for my family, for my children, and
18 most importantly, for the United States of America.

19 There seems to be an emphasis on doing things for the children, for my children.
20 Was this a phrase that Trump was encouraged to use frequently, or maybe just the
21 Republican party more broadly? I'm just kind of curious where that emphasis came
22 from if you know anything about that?

23 A I -- I don't know the -- the origins. I think I would view this as a, you know,
24 if you're making an appeal, you know, Abraham Lincoln said: Let's do the right as God
25 gives us a way to see the right, and in this case he's talking about the very things that are

1 at stake and includes that list, including children.

2 Q Okay. Excellent. Moving on to the bottom of page 8 and then this quote
3 goes on to page 9 as well. Yes. So right there is perfect. Thank you.

4 So this quote actually did not make it into the speech that President Trump gave
5 on January 6th, but this was obviously in the final draft. So first there was the Russia
6 hoax and attempt to take down a sitting President of the United States, then there was
7 the impeachment witch-hunt, then there was the effort to incite rioting, looting, arson,
8 and violence in the streets unless the radical left Democrats were given their way, which
9 was an open attack on democracy. And finally there was the shameless effort to protect
10 Joe Biden and steal the election by any means necessary.

11 Like I said, this was obviously in the final draft, did not make it into the final
12 speech. I'm curious, is there -- do you think there's any reason President Trump decided
13 to opt out of using, you know, this verbiage in the final speech, or do you think he just got
14 caught up in the moment? I'm just kind of curious what you think went on there?

15 A So the version that you're referring to is which version? This is the
16 version --

17 Q This is exhibit 43.

18 A Okay. Yeah.

19 Mr. Burlingame. I'm sorry, [REDACTED], you're on page 8? I just flipped back to the
20 email, so --

21 [REDACTED] Oh, yeah. So it's page 8 on to page 9.

22 Mr. Burlingame. Got it. Okay. And the question was, what does he think why
23 the President skipped over this?

24 [REDACTED] I'm just curious. Obviously, there were various things as my
25 colleagues went through the red line version that President Trump opted to omit, and I

1 was just curious, you know, if there was anything you think that there's a reason he, in
2 particular, that he omitted or anything like that. Just curious to hear your thoughts on
3 that particular paragraph.

4 The Witness. Well, I'd have to look at the full track-change version. I don't
5 know offhand why that was omitted. It may be that --

6 Mr. Burlingame. Well, I don't want you guessing. If you know, but I don't want
7 you guessing.

8 The Witness. I don't know.

9  Yeah, that's fine. Okay. Great.

10

BY 

11 Q And I think the last one will be on page 10, paragraph 9.

12 A Line 10?

13 Q Page 10, paragraph 9.

14 A Okay.


15 Q So in the final draft of the speech, the quote says: We are the greatest
16 country on Earth with the greatest people on Earth, and just as delivered by President
17 Trump on January 6th at the Ellipse, the final quote was: We are the greatest country
18 on Earth and we are headed in the right direction.

19 So as it was written, when it says: We're the greatest people on Earth, was
20 the -- was the objective -- was the takeaway meant to be that Americans are, in some
21 ways, superior to other folks on Earth?



22 A I think he was -- the intention there was to -- to describe the American
23 people as great people. And I don't know whether it was intended in terms of relative
24 terms, but, you know, he believes the United States is a great country with great people.

25 So I -- I don't think it was said with respect to any other nation in mind other than

1 the beliefs that the country is the greatest and the greatest people.

2  Okay. That wraps up my questions. Thank you so much for
3 taking the time to answer those questions for me.

4 The Witness. Sure.

5  Thank you, 
6 So we only have a little bit more to go, but let me know do you need a quick
7 recess? Probably, I'm guessing, 25 minutes to half hour at most?

8 The Witness. I'm fine. I'm fine.

9 Mr. Burlingame. Let's take 5 minutes.

10  Great. We'll be back in 5 minutes, 2:47.

11 Go off. Thank you.

12 [Recess.]

1

2 [2:49 p.m.]

3 [REDACTED] We're back on the record at 2:49 p.m.

4

BY [REDACTED]

5 Q I want to clarify a question for the record, Mr. Haley, about the final speech
6 as delivered.

7 You mentioned that a non-confirming edit about Vice President Pence stuck out to
8 you. Were there any non-confirming edits that stuck out to you that morning?

9 A Well, just to be clear, you said non-confirming. It was -- that was an
10 addition among edits that were being checked to make sure they were included. That
11 was an additional insert.

12 As far as additional things of that nature, I don't recall any additional ones.

13 Q Great. Thank you.

14 And, then, back to right after the speech was concluded, were you around
15 President Trump after he delivered the speech?

16 A As I mentioned, the President came into the tent and was there a few
17 minutes. Then he went back with the motorcade, and then I went back to the EEOB.

18 Q And what was the President's mood for those few minutes that he was in the
19 tent with you?

20 A I recall just a normal, you know, serious, not unlike, you know, other times
21 I've seen him. Just cool and collected.

22 Q Did you, like, speak to Mr. Miller right after the speech, or soon after the
23 speech?

24 A I don't recall speaking with Stephen Miller after the speech.

25 Q Did you ever get a reaction from him about how the speech went?

1 A I don't recall talking to him that day or -- I don't recall a subsequent
2 discussion about the speech.

3 Q For the rest of the day, were you ever in the presence of President Trump?

4 A No, I don't believe I went across the street, with the possible exception of
5 going to get food for lunch. Otherwise, I don't recall being across the street. And I
6 certainly don't recall being around the President.

7 Q And do you remember about what time you learned about violence at the
8 Capitol that day?

9 A So I went back to the EEOB. We don't often have the television on in our
10 office, but at some point somebody turned on the television, and the first time I became
11 aware was news coverage. But I don't recall the exact time.

12 Q Sure.

13 Are you aware of tweets that President Trump was sending at around that time,
14 you know, 2:00 p.m. and later, once people had already entered the Capitol?

15 A I mean, I'm aware that he tweeted.

16 Q Did you work on those tweets?

17 A No. I didn't have anything to do with those tweets.

18 Q Do you know who did work on those tweets?

19 A No, I don't -- I don't know.

20 Q Before President Trump sent out the video tweet around 4:00 -- I think it's,
21 like, 4:17 -- in the afternoon, were you part of any conversations in the EEOB about what
22 President Trump should be doing?

23 A I was in my office, and there were additional staff members in the office.
24 And I don't recall what was said. You know, I think people offered ideas, but I don't
25 remember the discussion.

1 Q Did you have a view about what President Trump should be doing at that
2 time?

3 A I did not have a particular view about what he should be doing.

4 Q And just to your knowledge, did anyone have a conversation with President
5 Trump that day about what he should be doing?

6 A I don't have -- I don't know who spoke with the President first- -- I don't have
7 any firsthand knowledge of that. People in my office -- I don't believe anybody in my
8 office had any, sort of, lines into the West Wing to offer such opinions.

9

BY

10 Q Did anyone from the speechwriting shop get pulled in to help prepare the
11 video statement that the President put out that afternoon?

12 A I don't recall anybody being asked from our shop to help.

13

BY

14 Q Moving on to -- I think the speech was given on January 7th, titled "Remarks
15 on Healing." Do you remember working on that speech?


16 It's exhibit 46. If you'd like to look at it --

17 A Right.

18 Q -- we could pull it up on the screen.

19 A Yeah.

20 Q And if we scroll down to the second page -- this is a draft that you produced.
21 I think it must have been hard copy because it wasn't attached to any email chain in your
22 production.

23 And on the second page, you'll see some handwritten notes from yourself that are
24 pointing to -- if we scroll up a little bit,  -- pointing to after "these are
25 challenging times."

1 Can you read your own handwriting, Mr. Haley?

2 A Yes, I can read it.

3 Q Sorry. Is this your handwriting?

4 A Yes, it's my handwriting.

5 Q Okay.

6 A "Like every American, I was shocked and saddened by what happened. We
7 will get through this. We always come together. We need to do that now."

8 Q Okay. Thank you.

9 What was your role for this particular speech?

10 A Now, I don't believe this -- was this speech -- I don't remember whether this
11 speech was ever delivered. If my memory -- I mean, I don't recall if this speech was
12 delivered. I believe these remarks were drafted in case such a speech were -- but I don't
13 recall whether this speech was given.

14 Q Okay. Do you --

15 BY [REDACTED]

16 Q Did anyone direct you to draft this speech?

17 A I believe somebody asked us to do it in case the President would want to
18 give such a speech.

19 Q Do you remember who it was that asked you to do it in case he wanted to
20 give that speech?

21 A I don't remember exactly who it was.

22 BY [REDACTED]

23 Q Do you have a sense of when you started working on this?

24 A I don't remember what time on the 7th. If this was the 7th, I don't
25 remember what time.

1 Q Well, I can represent to you, President Trump released some remarks on
2 January 7th, and I think it was on Twitter, that are somewhat related to this message, if
3 that helps?

4 A Okay.

5 Q If not, if that doesn't spur your memory, that's okay.

6 A I mean, I remember taking part in a -- in reviewing drafts like this that did
7 not get use in any substantial way -- at least that's my recollection -- and perhaps it is the
8 tweet you're talking about.

9 Q Do you remember if you started working on this on the night of January 6th?

10 A I don't have any recollection of working on it the night of the 6th of January.

11 Q Okay.

12 Did you work with President Trump on his impeachment defense?

13 A I was -- the impeachment was, I think, in the middle of January, but -- you're
14 talking about -- can you clarify, in terms of his --

15 Q Were you a part of his team leading the impeachment defense in any way?

16 A I mean, I was not part of any kind of impeachment defense in the White
17 House.

18 Q Right. Did you --

19 A Just to be clear, are we speaking about -- we're talking about in January of --

20 Q Yeah. Sorry. The second impeachment, the one following January 6th.
21 So from January 2021 until February of 2021.

22 A So, while in the White House, I had nothing to do -- I don't recall -- I don't
23 recall doing anything with respect to the proceedings in the House. Later on, I was able
24 to contribute ideas to the lawyers working on the Senate side of things.

25 Q Did you have conversations with President Trump about how the speech

1 played into the impeachment hearings during that time?

2 Mr. Burlingame. At what point in time are we taking?

3 [REDACTED] So this would be, you know, after January -- I think President Trump
4 gets impeached pretty shortly thereafter. I don't remember the exact date, but it was
5 mid-January.

6 So let's just say January 10th through the end of February 2021, did you have
7 conversations with President Trump about how the speech played into the impeachment
8 hearings?

9 Mr. Burlingame. So let me do this, because the witness mentioned he had
10 worked with some lawyers. So I would want to step out and confer with him on a
11 potential -- and I don't know, James -- but a potential work product objection. I just
12 want to be careful.

13 [REDACTED] Yeah, yeah, I understand.

14 Mr. Burlingame. But I also have some concerns about going into any
15 conversations in February, because that's, you know, beyond what you've asked for in
16 terms of the subpoena.

17 But my reason for the break is to confer about a potential work product objection.

18 [REDACTED] Understood.

19 Mr. Burlingame. Okay. Thank you.

20 [Recess.]

21 Mr. Burlingame. Thank you for -- are we back on?

22 [REDACTED] Yeah. And we can, I think -- [REDACTED] and I talked about it a little
23 bit. I think we can find a way to avoid any potential attorney-client or work product
24 violations.

25 Mr. Burlingame. Yeah, let me just make a representation to you. I'm happy to

1 have Vince confirm it to you.

2 So I can and do confirm that Mr. Haley worked with some of the lawyers involved
3 in defending President Trump in connection with the trial in the Senate. And that's as
4 far as I'll go at this point.

5 I want to be cooperative and helpful on that end, but before I can let that go any
6 farther, I need to have discussions with those lawyers to better understand their views
7 and position on it. And so, for that reason, I don't want to go any further than that. I
8 hope you understand. And we can keep this dialogue going, [REDACTED].

9 [REDACTED] No, we understand. And we're just going to avoid those potential
10 problems and ask some other questions.

11 Mr. Burlingame. Perfect.

12 [REDACTED] And we can remove it from the context of impeachment by
13 talking -- by asking it like this --

14 [REDACTED] Well, are we on -- do you want us to ask this on the record?

15 [REDACTED] I think we're on the record. I thought we were.

16 [REDACTED] Oh. I apologize.

17 [REDACTED] I hope we were. I mean, if we're not, I hope we are.

18 BY [REDACTED]

19 Q So the question is, Mr. Haley, in your view, do you think that the President's
20 remarks on January 6th contributed to his supporters breaking into the Capitol that
21 afternoon?

22 A I think his supporters -- or, I think the people who broke in are the ones who
23 are responsible.

24 Q Now, have you seen in public reporting that there have been defendants
25 who have, you know, pleaded guilty, had their conduct adjudicated for January 6th

1 conduct who have said that they were responding to the call of the Commander in Chief?

2 Are you aware of people making comments like that?

3 A I am aware of people making comments like that.

4 Q So, as a general matter, then, I guess the question is to you, as someone
5 who's part of the speechwriting team, what is your reaction to hearing people say that
6 they were responding to the President's call to action on January 6th by following through
7 with what they did?

8 Mr. Burlingame. I object to the question. And, to be clear, you're asking about
9 statements by defendants in criminal actions for breaching the Capitol Building, correct?

10  Yes.

11 Mr. Burlingame. Okay. I object.

12 But if you can answer, go ahead.

13 The Witness. Well, I'm familiar -- I'm familiar people have said that. I mean,
14 the President, you know, called people to come to the event. As we discussed earlier,
15 he asked people to walk down to the Capitol peacefully and patriotically.

16 So he did those things. He didn't ask people to go into the Capitol. He didn't
17 ask people to violate the rules and the procedures and the direction of the Capitol Police
18 and other security that was there.

19 BY 

20 Q So who is Ron Hedlund, H-e-d-l-u-n-d?

21 A Ron is a friend from Richmond, Virginia. I used to live in Richmond. I
22 know Ron from Richmond.

23 Q Did he attend the Ellipse rally on January 6th and then go into the Capitol?

24 A Ron did attend. I spoke with Ron -- Ron did attend the speech on
25 January 6th. I spoke to Ron afterwards, and I asked Ron whether he'd gone in, and he

1 said he had not. The Capitol, I asked whether he went into the Capitol; he said he had
2 not.

3 Q Okay.

4 If we can pull up exhibit 6. I think it's page 161. It's a message from Mr.
5 Hedlund on January 6th around 2:31, given the UTC. And he says, "We've stormed the
6 Capitol grounds."

7 So what was your reaction, then, to learning that Mr. Hedlund had,
8 quote/unquote, "stormed the Capitol grounds" after President Trump's speech?

9 A Well, I recall seeing that text as I was watching it unfold on television. So
10 Ron's text was not reporting to me anything that I wasn't seeing for my eyes on the
11 television. So I didn't really think much of his text other than, as I asked him, are people
12 being peaceful or are there troublemakers?

13 Q And you've mentioned you had a conversation with him that night. During
14 that conversation, did Mr. Hedlund mention people who wanted to occupy the building?

15 A I don't recall him talking about anybody wanting to occupy the building.

16 Q So you didn't think at all, after the speech and after seeing what Mr.
17 Hedlund had at least reported to you, you didn't have any, sort of, reaction about the
18 language that President Trump used in his speech?

19 A Did I have a reaction, or did he have a reaction?

20 Q Did you? I'm asking about you.

21 A No, I didn't have a reaction. I'm not sure he could even hear the speech.
22 From my conversation with him, I believe he said he had a hard time hearing the speech.

23 Q Did he tell you why, then, he went to the Capitol grounds?

24 A I don't recall him telling me why he went to the grounds.

25 Q Okay.

1 And as a personal, kind of -- do you think people like Mr. Hedlund acted
2 patriotically on January 6th?

3 A I think that what we saw on television, with people going onto the Capitol
4 grounds and into the Capitol, was wrong and not a proper expression of protest.

5 Q Thank you very much.

6 Do you have any followup, [REDACTED]?

7

BY [REDACTED]

8 Q So we only have a couple more wrapping-up questions and a couple
9 clarifying to go back.

10 So, earlier, we talked about a meeting on November 8th with Mr. Evans at the
11 White House with the President. And I believe -- and please correct me if my memory is
12 wrong -- that Newt Gingrich also attended that meeting. Am I remembering your
13 testimony correctly?

14 A Yes, you are remembering correctly.

15 Q Did Mr. Evans tell you if anybody else was at that meeting?

16 A I recall Mr. Evans did say other people were there. I can't recall -- I believe
17 it included a Member of Congress. I think Jim Jordan was there. But I don't
18 remember -- I don't remember the others.

19 Q Did he say that Representative Perry, Scott Perry, was there?

20 A I don't remember him talking -- I don't remember that.

21 Q Fine. Thank you.

22 And, to your knowledge -- or do you know who Matt Braynard is?

23 A Matthew Braynard?

24 Q Yes.

25 A I don't know him. I know of him. I don't know him personally.

1 Q To your knowledge, though, did Mr. Braynard formally make contact with
2 the Trump campaign or any of the President's allies?

3 A I believe, having refreshed my memory with some of these documents, that
4 he tried to make contact -- I don't know about the campaign; I think he tried to make
5 contact with the RNC. But he, as I recall, publicly tweeted about his research projects
6 and was fairly transparent about what he was trying to do.

7 Q All right.

8 And I'd like to note for the record that senior investigative counsel Amanda Wick
9 has joined the Webex.

10 So did Mr. Braynard, to your knowledge, ever sign an agreement with the Trump
11 campaign or any of the President's allies, like Cleta Mitchell, regarding the President or
12 the campaign using the information he alleged to have in his possession?

13 A I don't know about those things. I don't recall seeing any information
14 about that.

15 Q Thank you.

16 If we could pull up exhibit 53.

17 So exhibit 53 is a text message that you sent on November -- oh. No, that's okay.

18 I'll explain it to you before it's pulled up. It's a text message that you sent to Cliff
19 Sims on November 11, 2020, in which you note that there are news alerts -- you've seen
20 that day claiming that the Trump campaign's legal efforts are, quote, "seemingly
21 disparate and uncoordinated."

22 What did you mean by that?

23 A It seemed from the reporting in the mainstream press that there didn't seem
24 to be a very clear, sort of, command and coordination structure in the campaign.

25 Q And do you know or, to your knowledge, who was coordinating President

1 Trump's post-election litigation strategy?

2 A Well, what I do know is that, around the time of the meeting in the White
3 House, which we've talked about -- I think it was November 8th -- that I recall Dave Bossie
4 was going to, sort of, be the point. I think that was publicly reported. And after he
5 tested positive for COVID, it wasn't clear to me who then took up that role.

6 Clearly, over time, from my perspective, Rudy Giuliani became, over time, the
7 lead. But there were other people, you know, in the campaign who also had very clear
8 positions of responsibility.

9 Q But, as far as you know, there wasn't -- you don't know of a central person
10 who would be considered the coordinator of the litigation strategy?

11 A I don't know at any given time. If you're asking about a given time, I mean,
12 we understood that, you know, Justin Clark was the point -- was a point, you know, in the
13 campaign.

14 Q So when was Justin Clark -- when did he become, like, the point in the
15 campaign? What time period?

16 A Oh, you know, I don't know. When I say a point, I don't know what
17 his -- necessarily his title was. But he was clearly someone known to us as a point of
18 contact at the campaign.

19 Q Okay. Did you think that there was a time when he was running the show
20 for the post-election litigation effort?

21 A You know, as I said, I understood him to be a clear point of contact. I don't
22 know, in short, who was, quote, "running the show," but I understood that if we needed
23 something we could contact Justin.

24 Q And did you happen to know who his deputy was, if he had one?

25 A Not offhand, not from recollection. I understood that he had one. He

1 had -- I understood he had one, but I don't remember the name.

2 Q And do you recall the names of any other individuals, aside from the people
3 who you've mentioned, either at the State level or nationally, who were helping
4 coordinate President Trump's post-election litigation strategy?

5 A Well, you say "strategy." I don't know about strategy, what is exactly her
6 role, but I do recall Jenna Ellis was somebody who was also involved and had a, if you will,
7 public profile.

8 Q Anyone at the State level?

9 A And your question, again, is in terms of, like, a quarterback or a coordinator?

10 Q Correct.

11 A Yeah. I don't know who was coordinating State-level activities. I don't
12 recall.

13 Q Okay.

14 To your knowledge, and at the same time, were Mr. Clark and Mr. Giuliani ever
15 working together to coordinate post-election litigation?

16 A I don't know what the level of their coordination was.

17 Q Thank you.

18 Could we pull up exhibit 55, please?

19 Exhibit 55 is a text message that, it looks like, a Mike Benz, B-e-n-z, sends to you in
20 which he tells you, there will be a call "to connect lawyers with quants."

21 Do you know what Mr. Benz meant by that?

22 A "Quants" I understand to be shorthand for "quantitative," meaning that, you
23 know, people who were working with numbers and looking at different numbers in the
24 States and looking for anomalies. I think that's what he meant by that.

25 Q And did you participate in that call that he mentioned to you, a 12:30 call?

1 A Yeah, this says "a 12:30 call tomorrow." He was describing this call. I said
2 I would listen in.

3 I called in. There was a number of people I didn't know on the call. And the
4 call broke up after a minute or two because, as people introduced themselves, there were
5 some questions about, you know, would somebody tape the call, and it just -- the call -- it
6 was decided that they would end the call. So that was that call.

7 Q And do you remember anybody else, before it ended, who was participating
8 in the call?

9 A No. I just recall that it was a rag-tag assortment of people who
10 didn't -- many people who didn't know each other on the call.

11 Q Okay. Thank you.

12 Do you know a William Bock III, an attorney?

13 A If that's Will Bock's father, yes.

14 Q Yes, it is Will Bock's father.

15 A Yeah. Uh-huh.

16 Q To your knowledge, was he ever compensated for any work on President
17 Trump's post-election litigation?

18 A I don't know if he was compensated for anything that he did for the
19 post-election period.

20 Q Understood. Did you ever work with him to research anything for
21 President Trump's post-election litigation?

22 A So I knew Will's dad was an attorney, and I would ask Will at different times
23 to ask his father about certain things, if he had a take. Because I came to understand -- I
24 don't know when, but I came to understand that his father had some knowledge about
25 post-election processes and challenges -- in effect, that his father was knowledgeable

1 about the kinds of things that were confronting the campaign, you know, in the
2 President's campaign.

3 So I did ask Will -- and Will was somebody who was heading off to law school and
4 who also has a legal mind. So I asked him to ask his father, upon occasion, for his ideas.

5 Q Do you remember ever asking -- and I'll pull up exhibit 29 so we don't run
6 into any potential attorney-client problems.

7 Exhibit 29 is an email that you sent to a wbock@kgirlaw.com, which I'll represent
8 to you is William Bock, Will Bock's father.

9 A Uh-huh.

10 Q And it's on November 23rd at 3:17 p.m. The subject is "Randy's essential
11 strategy."

12 And you said, "Need suit by One state against others based on violation of one
13 person / one vote (equal protection) in SCOTUS as original jurisdiction."

14 Why did you ask Mr. Bock for this precedent?

15 A So, as I said, I would occasionally ask Will to ask his father, and on a couple
16 occasions I called Will Bock directly and talked to him and picked his brain. And I talked
17 about -- you know, I'd get his sense on the litigation.

18 And then, here, I shared with him Randy Evans' idea that the best lawsuit among
19 all the lawsuits is one that would have original jurisdiction in the Supreme Court. It'd be
20 the fastest -- fastest way. And that makes sense, if you, you know, from law school,
21 you're familiar with equal protection claims.

22 Q Understood.

23 And without getting us back into the quagmire we were in earlier, this email
24 seems to be sent around the same time that the draft complaint that you worked on in
25 the White House started circulating. Do you remember if this request had anything to

1 do with that lawsuit that you worked on?

2 A I don't know. I don't -- I don't know the relationships that Will Bock
3 has -- had at the time. I don't know whether he contacted anybody. But I have no
4 knowledge of a relationship between this note and the Texas lawsuit.

5 Q All right. And just to be clear, it looks like you were asking Will Bock for
6 knowledge. So I'm not asking about whether Will Bock, the father, was reaching out
7 about the lawsuit.

8 I was asking specifically -- and we'll just -- I think I know your answer, but we'll just
9 do it for the record. Do you remember if, in this email to Will Bock, you were seeking
10 information about a lawsuit that you worked on for President -- worked on in the White
11 House?

12 A I think this was a -- as the title says, the essential strategy was to -- my
13 memory is that this is a request -- not a request -- it's a statement of what the best
14 strategy would be, to have a lawsuit of original jurisdiction on equal protection grounds.
15 It was not -- I don't think it was a request for a precedent.

16 Q Okay. Thank you.

17 And I asked earlier about whether Will Bock was compensated at all by the
18 President's campaign for his post-election litigation work. Do you have any knowledge
19 of any lawyers being compensated for their work on post-election litigation?

20 A I don't have knowledge of how the lawyers were compensated. I -- you
21 know.

22 Q Thank you.

23 Let me pause there to see if anyone on the Webex has any followup or if [REDACTED]
24 [REDACTED] has any followup.

25 BY [REDACTED]

1 Q Yeah, just briefly.

2 Earlier this morning, we looked at some text messages that I think you received
3 from Ed Martin. Is that the Ed Martin who's associated with the Eagle Forum?

4 A Yes.

5 Q How do you know Mr. Martin?

6 A Ed is a friend. I met him probably 10 years ago in Missouri at, I think, a
7 religious liberty function. And, you know, if you know his background, I think he ran for
8 public office in Missouri at one point, so we have a fair bit in common. And he's been a
9 friend ever since.

10 Q Did you have any interactions in 2020 or 2021 with an individual going by the
11 name Ali Alexander?

12 A I don't believe so. I don't -- doesn't ring a bell. I don't think I know Ali
13 Alexander.

14 Q Has Mr. Martin ever spoken to you about an individual named Ali Alexander?

15 A I don't recall any conversation or exchange with him about this person. I --

16 Q Are you aware that Mr. Martin also has been subpoenaed by the select
17 committee?

18 A So Ed sent me a text indicating -- basically, he included a picture of his
19 subpoena. And so that made me aware. I responded and said, "Sorry this is
20 happening." But I did not reveal that I, too, had received a subpoena.

21 Q Other than him texting you a picture of an apparent subpoena, did he
22 communicate anything else to you about the select committee's subpoena to him?

23 A No.

24 Q Do you remember -- sorry, go ahead.

25 A No, I just -- I just remember looking at it and it looked similar in form to the

1 one I received.

2 Q Do you remember around what time you received that text message from
3 Mr. Martin?

4 A Three to 6 weeks ago. I don't -- if I could put an approximation on it, I'd say
5 in that time period.

6 [REDACTED] Ms. Johnson, you came on screen. Do you have a question?

7 [REDACTED] I do, [REDACTED]. Thank you.

8

BY [REDACTED]

9 Q Can we follow up real quick, back on exhibit 55 -- I know we briefly discussed
10 this earlier, but I wanted to get a sense of, do you know why they were connecting
11 lawyers with, kind of, the quantitative analyst folks? Like, what was the purpose behind
12 that?

13 A I think the purpose was to hear if there were anomalies that the quantitative
14 people wanted to describe and, you know, connect them with lawyers who had causes of
15 actions. But that's -- that's all I know.

16 Q Understood. And when you say lawyers with causes of actions, were these
17 lawyers working on the President's, like, post-election litigation strategy, or were these
18 just kind of a general information call for, kind of, anyone who were interested in
19 potential anomalies?

20 A I don't know what type of lawyers they were.

21 Q Understood.

22 And how -- and who is Mike Benz?

23 A So Mike was for a time in the speechwriting department. And I believe at
24 this time he was a detailee from the Department of Housing and Urban Development in
25 the speechwriting.

1 Q Understood.

2 Okay. Thank you. That's all of my questions.

3 [REDACTED] Thank you, [REDACTED]

4

BY [REDACTED]

5 Q So just some final questions. And I don't want to hear -- when I ask these
6 questions, I don't want to hear about any conversations you've had with lawyers in this
7 room or lawyers that you were working with on President Trump's impeachment defense.

8 But have you had any conversations with President Trump outside of those realms
9 since January -- since you left his administration?

10 A Have I had any conversations with the President since I left?

11 Q Yes.

12 A Is that the general question? Yes, I've spoken to the President since
13 January 20, 2021.

14 Q Did you ever talk to him about January 6th?

15 A I don't recall ever talking to him about January 6th.

16 Q And, outside of Mr. Martin -- or, actually, have you talked to anyone else
17 about being subpoenaed by the select committee?

18 A I'm familiar that Ross Worthington was subpoenaed by the select
19 committee. I didn't talk to him about the contents of his testimony. And did I talk to
20 anybody else about my subpoena? Or --

21 Mr. Burlingame. Can we exclude his wife, as well as --

22 [REDACTED] Of course. Of course.

23 Mr. Burlingame. Thank you.

24

BY [REDACTED]

25 Q Yeah. Aside from lawyers and your wife, have you spoken with anybody

1 else about being subpoenaed by the select committee?

2 A I spoke with Newt Gingrich about the subpoena, that I was subpoenaed, but
3 we didn't talk about any, you know, substance. He just encouraged me.

4 But other than my wife, Ross, Newt, I haven't talked to anybody else about the
5 subpoena, to my knowledge.

6

BY

7 Q When you say that Mr. Gingrich encouraged you, what do you mean by that?

8 A He just, as a friend, said, you know, you're going to be fine; follow the
9 direction of your attorneys. And --

10

BY

11 Q Understood.

12 And aside from Mr. Worthington -- oh, did you have a followup?

13 Oh, apologies. I didn't want to interrupt. Please finish your line of
14 questioning. I can definitely wait.

15 Sure.

16

BY

17 Q Aside from Mr. Worthington, has anyone else who has been subpoenaed by
18 the select committee, and aside from Mr. Martin, has anyone spoken to you about their
19 subpoena?

20 A You said Martin, and I got the text message. Ross Worthington, I was
21 aware that he was subpoenaed. Nobody else, to my knowledge, have I spoken to has
22 been subpoenaed.

23 I'm certainly familiar from public reporting of various people who've been
24 subpoenaed, but I have not been in contact with them, certainly not to talk about their
25 subpoena. I believe I've had conversations with Stephen Miller, but we've discussed it.

1 Q Understood.

2 And has anyone offered to help pay your legal fees regarding the subpoena that
3 the select committee issued to you?

4 A So I've had initial discussions with the leadership of the Save America PAC to
5 help out with the legal fees. And, you know, they're preliminary discussions at this
6 point.

7 Q And how did you learn that the Save America PAC was offering to help
8 defray your legal costs?

9 Mr. Burlingame. Object to the form.

10

BY

11 Q Yeah. Apologies.

12 Did the Save America PAC come to you with the offer of helping pay your legal
13 fees?

14 A No. I went to the leadership.

15 Q How did you learn that the Save America PAC would do -- would help you
16 defray the legal costs?

17 Mr. Burlingame. Object to the form.

18 The Witness. I didn't know that they would, but I was aware that in some limited
19 circumstances they expressed a willingness to help some people.

20

BY

21 Q And just to ask the question: In these preliminary discussions, did anyone
22 attempt to influence -- let me step back and maybe ask it a better way.

23 Is it your understanding that that potential assistance is contingent on you
24 complying or not in a particular type of way with this inquiry?

25 A The answer is, no, there was no contingency set upon, in my

1 communications, that there would be a willingness to help in return for something or
2 contingent upon something, no.

3 Q Great. Thank you.

4 [REDACTED] I think that is all we have, unless someone on the Webex has a
5 followup question.

6 I'm not seeing any.

7 Mr. Burlingame, do you have anything else before we adjourn the record?

8 Mr. Burlingame. No, sir.

9 [REDACTED] Okay.

10 Mr. Burlingame. But can we stay on briefly, off the record, just to talk about
11 Friday?

12 [REDACTED] Yes. Of course.

13 We'll adjourn the record at 3:35 p.m.

14 Mr. Burlingame. Thank you.

15 [Whereupon, at 3:35 p.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date